



IN THE MATTER OF:

*J.M.A., Applicant*

v.

*Chairperson of the African Union Commission, Respondent*

FOR APPLICANTS: *Pro se*

FOR RESPONDENT: Guy-Fleury NTWARI, Legal Counsel, African Union Commission

BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

HEARD ON : 19 August 2022, 21 September 2022

ORDER

1. On 18 November 2021, Applicant, a former Principal Coordinator of the Institutional Transformation Program (ITP) within the African Union Commission filed an application seeking review or annulment of Judgment No. AUAT/2021/001 in which the Tribunal dismissed his application of 15 December 2010 as untimely.
2. Counsel for Respondent's Counsel was served with the request but did not file a reply thereto.
3. Judgments of the Tribunal are final.<sup>1</sup> A party may seek review of judgment when he or she has discovered new and decisive facts previously unknown to the party or the Tribunal.<sup>2</sup> Such application must state the new facts to be proved and must be supported by compelling new evidence.
4. A party may also request annulment of judgement where: (a) the Tribunal has manifestly exceeded its competence or failed to exercise jurisdiction vested on it; (b) there has been a serious departure from a rule of procedure; (c) the Tribunal has erred on a question of law [as] to the Charter of OAU and the Statute; (d) the rules of natural justice were not observed.<sup>3</sup>
5. In his request for review or annulment of judgment, Applicant contends that the Tribunal exceeded its competence in finding his underlying application untimely because, under an order issued 3 June 2016, his application had been correctly deemed receivable. Applicant further argues that his right to an open hearing had not been respected, and the Tribunal improperly refused to stay proceedings on account of *lis pendens*.
6. The Tribunal has carefully considered the request and the underlying record. Applicant's pleas were adequately addressed during the hearing of the case, including the issue of whether the application was receivable and whether proceedings should have been stayed as requested by Applicant. Both issues were fully considered in the judgment and resolved against Applicant.
7. Moreover, there was no dispute in proceedings below as to when Applicant was informed of the contested decision and, of course, as to when Applicant filed his application. Disposition of the matter as untimely without an oral hearing was, therefore, not improper.

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<sup>1</sup> AUAT Statute art. 17(vi).

<sup>2</sup> AUAT Statute art. 20.

<sup>3</sup> AUAT Statute art. 21.

8. The Tribunal finds no reason to disturb Judgment No. AUAT/2021/001 and Applicant's art. 20 request for review of judgment as well as his art. 21 request for annulment of judgment are REFUSED.

Date: 21 October 2021

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SYLVESTER MAINGA, PRESIDENT  
JAMILA B. SEDQI  
PAULO D. COMOANE

Secretary: 