



IN THE MATTER OF:

Y.T., 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 1 December 2021, Applicant, a Senior Finance Officer in the Directorate of Finance, filed an application seeking review of Judgment No. AUAT/2021/002, wherein the Tribunal denied his underlying application for failure to sustain his burden of proof that the recruitment process he contested was tainted by personal or national origin bias or other improper considerations.
2. Judgments of the Tribunal are final.¹ 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.² Such application must state the new facts to be proved and must be supported by compelling new evidence.
3. In his application for review, Applicant claims that the Tribunal: (a) failed to consider the pleas in his application in that he was performing at professional level while getting salary at GSA level and his plea of unpaid step increment arrears which was not done, and (b) overlooked that the use of three different interview panels for the same position was not only unfair but also violated current best practices in recruitment procedures.
4. Counsel for Respondent opposes the request for failure to state grounds for review under art. 20 of the Statute. Specifically, Respondent argues that Applicant failed to submit new, previously unavailable material evidence.
5. The Tribunal has carefully considered the present request and the underlying record. Applicant's pleas were adequately addressed during the hearing of the case. Applicant's purported new evidence now presented as a basis for review was made available to Applicant in October 2020, upon his own request, and could have been presented together with any related arguments prior to the conclusion of the proceedings below.
6. Applicant's argument that aspects of his case were overlooked in the judgment is without basis. All other claims being untimely, the Tribunal was correct to conclude that the only reviewable decision in the underlying application was the non-selection of Applicant for the post of Senior Finance Officer (AFRIPOL).

¹ AUAT Statute art. 17(vi).

² AUAT Statute art. 20.

7. Accordingly, the Tribunal finds no reason to disturb Judgment No. AUAT/2021/002 and Applicant's art. 20 request for review of judgment is REFUSED.

Date: 21 October 2022

/signed/

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

Secretary: 