



IN THE MATTER OF:

Y.T., Applicant

v.

Chairperson of the African Union Commission, Respondent

FOR APPLICANT: *Pro se*

FOR RESPONDENT: Hajer GUELDICH, Legal Counsel, African Union Commission

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

HEARD ON: 17 July 2023

JUDGMENT

Procedural and Factual History

1. On 4 November 2022, Applicant, a Senior Finance Officer within the Directorate of Finance, filed, challenging his non-selection for the post of Head, Finance and Administration at the African Court for Human and Peoples' Rights (AfCHPR).
2. The Tribunal transmitted the application to Respondent on 18 November 2022. Following an extension, Respondent submitted his written Answer on 17 January 2023. Applicant did not comment on Respondent's written Answer.
3. Applicant's contention is limited to AfCHPR's alleged refusal to provide him with the report of interview and written assessment reports generated in the course of hiring for the post in question. Applicant accordingly asked the Tribunal to (a) order AfCHPR to provide the recruitment report; (b) order an investigation of the contested recruitment process; and (c) and order the design of standard recruitment procedures.
4. Respondent opposes the application on the grounds of receivability.

Discussion

5. For an application to be receivable, a staff member must first seek review by the Chairperson within thirty (30) days of the contested administrative decision.¹ The Chairperson has thirty (30) days to complete the review, failing which the request will be deemed constructively denied.²
6. The staff member then has additional thirty (30) days to file an application with the Tribunal, reckoned thirty (30) days after the filing of administrative review request or from the date of receipt of a decision on the administrative review request, whichever comes first.³ The Tribunal cannot review a non-disciplinary decision that has not been the subject of a prior administrative review under Staff rule 62.1.1.⁴
7. The Tribunal has reviewed the record and did not see any proof that Applicant sought review of the contested decision by the authorized reviewing official. The e-mail communication which Applicant sent to the registrar of AfCHPR does not constitute a proper managerial review request within the meaning of Staff rule 62.1.1.
8. Accordingly, the instant application is not properly before the Tribunal in so far as Applicant failed to first petition Respondent or the President of the AfCHPR for managerial review under Staff rule 62.1.1.

¹ Staff rule 62.1.

² *Id.*

³ Staff rule 62.1; AUAT Statute art.13(iv).

⁴ *M.Z.L.*, AUAT/2018/001, para. 13.

9. There being no need to reach other issues in the case, the Tribunal DISMISSES the application.

Date: 26 February 2024

/signed/

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

Secretary: *Paulo D. Comoane*