



IN THE MATTER OF:

E.A., Applicant

v.

Chairperson of the African Union Commission, Respondent

FOR APPLICANT: *Pro se*

FOR RESPONDENT: Namira Negm, Legal Counsel, African Union Commission

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

HEARD ON: 19 November 2020

ORDER

1. On 15 October 2018, Applicant, a former Contracts Execution Officer with the Inter-African Bureau for Animal Resources (IBAR) filed an application contesting the decision to terminate his short-term appointment.
2. In a *per curiam* decision issued on 14 September 2020, the Tribunal deemed his application not receivable and dismissed it because the application was filed out of the prescribed filing timelines.¹
3. On 2 October 2020, Applicant filed the instant request under art. 21 of the Administrative Tribunal Statute seeking annulment of judgment. The Tribunal invited Respondent to file a reply. Respondent did not file a response.
4. Judgments of the Tribunal are final.² 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.³ Such application must state the new facts to be proved and must be supported by compelling new evidence.
5. A party may also request annulment of an award 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.⁴
6. Applicant seeks annulment of Judgment No. AUAT/2020/005, which dismissed his application as untimely. Whether an application is timely or not is a threshold jurisdictional question for the Tribunal to determine regardless of the merits of the application.⁵ As such, the Tribunal may properly determine that objective question without serving the application on Respondent for an Answer, and even if it was not raised by the parties. Article 13 of the Statute together with Staff rule

¹ *E.A. v. Chairperson*, AUAT/2020/005.

² AUAT Statute art. 17(vi).

³ AUAT Statute art. 20.

⁴ AUAT Statute art. 21.

⁵ See e.g., *Ahmed*, UNDT/2017/005; *Lee*, UNDT/2013/147; *ILOAT Judgment* No. 3559 para. 3.

62.1.1 set forth mandatory filing timelines, which Applicant was unable to meet.⁶ Therefore, the Tribunal finds no reason to disturb Judgment No. AUAT/2020/005 and Applicant's art. 21 request for annulment is REFUSED.

Date: 20 November 2020

/signed/

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

Secretary: *Paulo D. Comoane*

⁶ M.Z.L., AUAT/2018/001, para. 13.