



IN THE MATTER OF:

**M.N.**  
**B.B.**  
*O.S., Applicants*

v.

*Chairperson of the African Union Commission, Respondent*

FOR APPLICANTS: David Tamo, Esq.  
FOR RESPONDENT: Namira Negm, Legal Counsel, African Union Commission  
BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

ORDER

1. On 9 December 2011, Applicants, *M.N.*, *B.B.*, and *O.S.*, former staff members of the Inter-African Phytosanitary Council (IAPSC), based in Yaounde, Cameroun, filed a joint application contesting their dismissal for misconduct notified to them on 27 March 2008.
2. In a *per curiam* decision issued on 12 October 2020, the Tribunal deemed their application not receivable and dismissed it because it was filed out of the prescribed filing timelines.<sup>1</sup>
3. By a filing dated 4 November 2020, Applicants seek review of Judgment No. AUAT/2020/009, which found their joint application untimely. In a filing received on 4 December 2020, Respondent's Counsel opposes Applicants' request for review.
4. Judgments of the Tribunal are final.<sup>2</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>3</sup> Such application must state the new facts to be proved and must be supported by compelling new evidence.

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<sup>1</sup> *M.N. et al v. Chairperson*, AUAT/2020/009.

<sup>2</sup> AUAT Statute art. 17(vi).

<sup>3</sup> AUAT Statute art. 20.

5. Applicants allege their application was delayed because they were informed that the Administrative Tribunal was not established until 2011. While the Tribunal takes notice of the Administrative Tribunal's limited operational status during 2001-2014, in the absence of any proof that Applicants' actually attempted to file their application prior to 26 April 2008 but were prevented from doing so, the Tribunal does not find their present claim credible.
6. Article 13 of the Statute together with Staff rule 62.1.1 set forth mandatory filing timelines, which Applicants were unable to meet.<sup>4</sup> Therefore, the Tribunal finds no reason to disturb Judgment No. AUAT/2020/009 and Applicants' art. 20 request for review of judgment is REFUSED.

Date: 8 December 2020

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

Secretary: \_\_\_\_\_



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<sup>4</sup> *M.Z.L.*, AUAT/2018/001, para. 13.