

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

119th Session

Judgment No. 3452

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgments 1976, 2026, 2070, 2160, 2161, 2200, 2684, 2890 and 3207 filed by Ms M. P. on 29 August 2013;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant requests the review of Judgments 1976 and 2026, which essentially concerned the job description of her post, Judgments 2070, 2160 and 2161, which principally dealt with the consequences of a service-incurred injury which she sustained in 1992 and Judgments 2200, 2684, 2890 and 3207, which considered whether there was a causal link between her professional activities at the International Telecommunication Union (ITU) and the illness that had led to the termination of her contract on 29 May 2001.

2. The Tribunal draws attention to the fact that, according to a consistent line of precedent, pursuant to Article VI of its Statute, its judgments are "final and without appeal" and carry the authority of *res judicata*. They may therefore be reviewed only in exceptional circumstances and on strictly limited grounds. As stated in Judgments 1178, 1507, 2059, 2158 and 2736, the only admissible grounds for review

are failure to take account of material facts, a material error involving no exercise of judgement, an omission to rule on a claim, or the discovery of new facts on which the complainant was unable to rely in the original proceedings. Moreover, these pleas must be likely to have a bearing on the outcome of the case. Pleas of a mistake of law, failure to admit evidence, misinterpretation of the facts or omission to rule on a plea, on the other hand, afford no grounds for review. (See Judgment 3001, under 2.)

3. In support of her application for review, the complainant submits that the Medical Board's report of 21 August 2012, recognizing that the illness that had led to the termination of her contract was partially service-incurred, is a new fact which the ITU refuses to take into account. Indeed, this matter is the subject of an application for execution which is pending before the Tribunal.

She contends that insufficient reasons were stated in Judgments 1976, 2160 and 2161 and that Judgments 2026, 2070, 2200, 2684 and 3207 constitute a denial of justice. She asks that "all the dismissals [...] denying [her] the compensation and reimbursement due to [her]" should be set aside and that the ITU be ordered to pay her compensation under various heads.

4. The Tribunal finds that none of the pleas put forward falls within the ambit of the case law referred to under 2, above. In particular, the issuance of the Medical Board's report of 21 August 2012 does not constitute a new fact within the meaning of that case law. The application for review is therefore clearly irreceivable and must be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal. This finding rules out the convening of the hearing requested by the complainant.

DECISION

For the above reasons,
The application for review is dismissed.

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In witness of this judgment, adopted on 14 November 2014,
Mr Claude Rouiller, Vice-President of the Tribunal, Mr Seydou Ba,
Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Dražen
Petrović, Registrar.

Delivered in public in Geneva on 11 February 2015.

(Signed)

CLAUDE ROUILLER

SEYDOU BA

PATRICK FRYDMAN

DRAŽEN PETROVIĆ