

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

FIFTY-SIXTH ORDINARY SESSION

In re IDO (No. 3)

(Application for review)

Judgment No. 681

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 645 filed by Mr. Fasséna Ido on 2 February 1985;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 8, paragraph 3, of the Rules of Court;

Having examined the written evidence;

CONSIDERATIONS:

1. By Judgment 588 the Tribunal dismissed the applicant's complaint seeking the quashing of a decision of 23 November 1981 not to offer him a new appointment. It dismissed his first application for review on 5 December 1984. In this further application the complainant is inviting it to "reconsider" its original judgment "in the light of the evidence and the accusations" he brought against his supervisor, the Programme Director. He is also alleging a material error in Judgment 588.

The Tribunal will not reconsider what it said in its judgment dismissing the first application for review. Although he alleges that he is challenging that judgment, in fact he states no objection to it.

2. His allegation of a material error is not supported by any item of evidence. It was quite irrelevant to the original complaint whether his supervisor had found for himself shortcomings in the complainant's performance: all that mattered was that there were such shortcomings.

The nub of the complainant's case is his accusations against his supervisor.

The Tribunal found that the Programme Director "took account only of what was revealed by the report on the period covered by his previous decision", it held that no mistaken conclusions had been drawn from the evidence, and it concluded that the decision to terminate the complainant's appointment was lawful. The Tribunal also observed that it was "immaterial whether there is any truth in the charges of prejudice which the complainant founds on an incomplete examination of his case by the Programme Director".

That is the reasoning on which Judgment 588 rests. The Tribunal did not disregard the complainant's submissions: it declined to consider his accusations against the Programme

Director because the matter was irrelevant. To allow the plea he is putting forward yet again would be to admit criticism of the Tribunal's reasoning, and such criticism does not constitute admissible grounds for review.

DECISION:

For the above reasons, and for those set out in Judgment 645,

The application is dismissed.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, Mr. Jacques Ducoux, Vice-President, and Mr. Héctor Gros Espiell, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 19 June 1985.

(Signed)

André Grisel

Jacques Ducoux

H. Gros Espiell

A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.