

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

FIFTY-NINTH ORDINARY SESSION

In re IDO (No. 4)

(Application for review)

Judgment No. 749

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 681 filed by Mr. Fasséna Ido on 1 July 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. The complainant has applied for review of Judgment 681, in which the Tribunal dismissed his second application for review of Judgment 588 of 20 December 1983.

The Tribunal's judgments carry the authority of *res judicata* from the day on which they are delivered. An application may be made for review even if it relates to a judgment dismissing such an application. But the rule of all jurisdictions that allow review is that, though subject to review, judgments will be reviewed only in exceptional cases. For that reason several pleas are inadmissible.

2. One is a mistake of law. To allow review on the grounds that the Tribunal's legal reasoning was mistaken would be to encourage the dissatisfied party to go on challenging the judgment indefinitely in disregard of the *res judicata* rule. The Tribunal so held in Judgment 681, in which it declined to consider criticisms of its original reasoning: the complainant's plea was a mistake of law and it was inadmissible.

3. The complainant asks the Tribunal to tell him what his shortcomings were supposed to be and why discussion of charges against the Programme Director was immaterial.

Insofar as these pleas are distinguishable from the first one, and assuming that they allege disregard of specific facts, they are again inadmissible. The complainant is merely making assertions without a shred of evidence in support.

4. The remainder of his application advances no argument the Tribunal will entertain: it need not take up comments on the quality of justice.

DECISION:

For the above reasons,

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 12 June 1986.

(Signed)

André Grisel

Jacques Ducoux

H. Gros Espiell

A.B. Gardner

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