

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

S.

v.

OPCW

(Application for interpretation and review)

126th Session

Judgment No. 3987

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for interpretation and review of Judgment 3913 filed by Ms E. S. on 1 May 2018;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. On 24 January 2018 the Tribunal delivered Judgment 3913, deciding upon a complaint filed by the complainant against the Organisation for the Prohibition of Chemical Weapons (OPCW). On 1 May 2018 the complainant filed an application for interpretation and review of that judgment. Judgment 3913 concerned the 12 June 2015 decision of the Director-General not to confirm the complainant's three-year fixed-term appointment when her probationary period ended on 2 May 2014. She advanced five grounds in support of her complaint. The Tribunal was satisfied that four of the grounds should be rejected. However, one ground was accepted, namely that the complainant did not receive written warning that the confirmation of her appointment was at risk. In the result, orders were made setting aside the impugned decision of 12 June 2015, ordering the OPCW to pay the complainant

2,000 euros as material and moral damages and to pay 5,000 euros for costs. All other claims were dismissed.

2. In her pleas in the application for interpretation and review, the complainant acknowledges that ordinarily an application for interpretation must concern an interpretation of the decision and not the Tribunal's reasons. Nothing is said in the pleas about the meaning of the decision requiring interpretation, nor does the complainant argue that this is one of those rare cases when the considerations can be considered as part of the interpretation of the decision. Accordingly nothing more need be said about the application for interpretation.

3. The gravamen of the application for review involves a contention that the Tribunal disregarded the fundamental facts of the case and, in the result, the amount ordered by way of damages was far too low. Indeed it is contended that the "complainant felt such paltry amounts to be rather insulting rather than compensatory". But in substance, the complainant is simply challenging the assessment by the Tribunal of the damages which should be awarded, and that matter is *res judicata* unless an error is established of the type which can found a review. No such error is identified.

4. The application for interpretation and review is clearly devoid of merit and should accordingly be summarily dismissed in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The application for interpretation and review is dismissed.

In witness of this judgment, adopted on 18 May 2018, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Mr Michael F. Moore, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 26 June 2018.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

MICHAEL F. MOORE

DRAŽEN PETROVIĆ