

ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL MONETARY FUND

ORDER No. 1995-1

Mr. "X", Applicant v. International Monetary Fund, Respondent (Request for Revision of Judgment No. 1994-1)

On March 22, 1995, Mr. "X" made a request for revision of Judgment No. 1994-1, "Mr. 'X' v. International Monetary Fund."

Under Article XVI of the Statute of the Administrative Tribunal, "A party to a case in which a judgment has been delivered may, in the event of the discovery of a fact which by its nature might have had a decisive influence on the judgment of the Tribunal, and which at the time the judgment was delivered was unknown both to the Tribunal and to that party, request the Tribunal, within a period of six months after that party acquired knowledge of such fact, to revise the judgment."

This provision is amplified by Rule XIX, the relevant parts of which provide:

"1. A party may request revision of a judgment issued by the Tribunal, but only in the event that a fact or a document is discovered which by its nature might have had a decisive influence on the judgment of the Tribunal and which at the time of the judgment was unknown to the Tribunal and to the party to the case making application for the revision and such ignorance was not the responsibility of that party.

2. ...

3. The procedure set forth in Rules VIII through XI shall be applied, *mutatis mutandis*, to the request for revision.

4. The Tribunal shall decide whether to admit the application for revision. If the application is admitted, the Tribunal shall pass judgment on the matter at issue in accordance with these Rules."

In the view of the Tribunal, having regard to paragraph 4 of Rule XIX, it initially falls to it to decide whether to admit the application for revision. Only if it decides to do so will the procedures set forth in Rules VIII through XI be applied.

In his letter, Mr. "X" contends that a letter from the Fund contains new information that might have had a decisive influence on the judgment of the Tribunal. The letter (dated January 31, 1995, from the Assistant Director of the Administration Department of the Fund) explains the accounting modality used by the Fund in its financial settlement arrangements with Mr. "X." Whatever the nature of these arrangements, they are not decisive for the Tribunal's

judgment whose revision is requested. That judgment held that Mr. "X"'s pension was based on a decision of the Fund adopted in 1986 and consequently pre-dating the Tribunal's existence. Under Article XX, Section 1 of the Statute, the Tribunal has no jurisdiction over such matters. The "new information" refers to the financial balance that was struck in the fiscal year immediately following Mr. "X"'s retirement, at a time equally well in advance of the October 15, 1992 commencement of the Tribunal's jurisdiction.

Accordingly, the "new information" that came to light and on which Mr. "X" relies is not of a nature that might have had a decisive influence on Judgment No. 1994-1.

ORDER

FOR THESE REASONS

The Administrative Tribunal of the International Monetary Fund decides not to admit the Application for revision.

Stephen M. Schwebel, President

Nisuke Ando, Judge

Michel Gentot, Judge

/s/

Stephen M. Schwebel, President

/s/

Philine R. Lachman, Registrar

Washington, D.C.
May 5, 1995