

Order No. 1997-1, Interpretation of Judgment No. 1997-1 (December 22, 1997)

The Administrative Tribunal of the International Monetary Fund

- having received a request by the Fund for an interpretation of certain parts of Judgment No. 1997-1, (Ms. "C.", Applicant v. International Monetary Fund, Respondent, August 22, 1997), and

- having regard to the limited authority to interpret its judgments conferred upon the Tribunal by Article XVII¹ of the Statute of the Administrative Tribunal and Rule XX² of the Rules of Procedure, and

- having considered the views of the Fund and the Applicant concerning the Fund's request,

unanimously adopts the following decision in respect of the Fund's application for interpretation of Judgment No. 1997-1:

First: The legality of the Judgment is not a matter in respect of which the applicable provisions of the Statute and the Rules of Procedure enable the Tribunal to issue an interpretation, because the judgment is final and without appeal.³

Second: The Tribunal decides to admit, on the basis of Article XVII and Rule XX, the Fund's application for interpretation of Judgment No. 1997-1.

¹ "The Tribunal may interpret or correct any judgment whose terms appear obscure or incomplete, or which contains a typographical or arithmetical error."

² "Interpretation of Judgments

1. In accordance with Article XVII of the Statute, after a judgment has been rendered, any party may apply to the Tribunal requesting an interpretation of the operative provisions of the judgment.

2. The application shall be admissible only if it states with sufficient particularity in what respect the operative provisions of the judgment appear obscure or incomplete.

3. The Tribunal shall, after giving the other party or parties a reasonable opportunity to present its or their views on the matter, decide whether to admit the application for interpretation. If the application is admitted, the Tribunal shall issue its interpretation, which shall thereupon become part of the original judgment."

³ Article XIII, Section 2: "Judgments shall be final, subject to Article XVI and Article XVII, and without appeal."

Third: The term “costs”, which appears in para. “Third” of the Decision in Judgment No. 1997-1, denotes the costs that Applicant was or is obligated to pay for her legal representation.

Fourth: The phrase “legal representation” in para. “Third” of the Decision in Judgment No. 1997-1 embraces Applicant’s representation in the administrative review that she had to exhaust pursuant to Article V of the Statute prior to the filing of an Application with the Tribunal, as well as the proceedings before the Tribunal.

Fifth: The limited degree to which Applicant was successful in comparison with her total claims justifies a measure of proportionality in the determination of the costs to be borne by the Fund.

Sixth: The Tribunal finds no legal relationship between the amount of compensation awarded to Applicant and the costs of legal representation to be borne by the Fund.

This Order shall be annexed to Judgment No. 1997-1 and become part thereof.

Stephen M. Schwebel, President
Nisuke Ando, Associate Judge
Michel Gentot, Associate Judge

Stephen M. Schwebel, President

Philine R. Lachman, Registrar

Washington, D.C.
December 22, 1997