



Before: Judge Thomas Laker

Registry: Geneva

Registrar: Víctor Rodríguez

ODIO-BENITO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON REVISION

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Marcus Joyce, ALS/OHRM, UN Secretariat

Introduction

1. On 28 January 2011, the Applicant applied to the United Nations Dispute Tribunal for a revision of Judgment No. UNDT/2011/019.

Facts

2. On 6 December 2010, the Applicant, a former judge of the International Criminal Tribunal for the Former Yugoslavia (“ICTY”) currently serving as a judge at the International Criminal Court (“ICC”), filed with the Dispute Tribunal an application against the decision to suspend the payment of her ICTY pension as long as she would be serving with ICC.

3. By Judgment No. UNDT/2011/019 rendered on 24 January 2011, the Tribunal ruled that the aforementioned application was not receivable because it was filed late, and rejected it.

4. At a date unknown to the present Tribunal, the Applicant filed an appeal before the United Nations Appeals Tribunal against Judgment No. UNDT/2011/019 and subsequently, on 28 January 2011, she also applied to the Dispute Tribunal for a revision of that Judgment.

Considerations

5. Article 12, paragraph 1, of the Statute of the Dispute Tribunal provides that (emphasis added):

Either party may apply to the Dispute Tribunal for a revision of an *executable* judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

6. Article 11, paragraph 3, of the Statute further provides that:

The judgements of the Dispute Tribunal shall be binding upon the parties, but are subject to appeal in accordance with the statute of

the United Nations Appeals Tribunal. In the absence of such appeal, they shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal.

7. It follows from the aforementioned provisions that a party may apply to this Tribunal for the revision of a judgment only when that judgment is executable, and since the Applicant filed an appeal against Judgment No. UNDT/2011/019, it is not executable.

8. Consequently, the present application for revision is not receivable *ratione materiae*.

Conclusion

9. In view of the foregoing, the Tribunal DECIDES:

The application for revision is rejected.

(Signed)

Judge Thomas Laker

Dated this 3rd day of March 2011

Entered in the Register on this 3rd day of March 2011

(Signed)

Víctor Rodríguez, Registrar, Geneva