



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/077
Order No.: 84 (NY/2019)
Date: 16 May 2019
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

NOUINOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON APPLICATION FOR REVISION
OF JUDGMENT AND REQUEST FOR
REVIEW BY THREE JUDGE PANEL**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman ALD/OHR, UN Secretariat

Introduction

1. On 1 May 2019, the Tribunal issued Judgment No. UNDT/2019/073 (“the Judgment”) in which the Applicant’s application was rejected in its entirety.
2. On 10 May 2019, the Applicant filed an “Application for Revision of Judgement UNDT/2019/073 per Article 29 of A/RES/64/119 and Request for Revision by Three-Judge Panel per Practice Direction No. 1”.
3. On 14 May 2019, the Respondent requested the Tribunal to dismiss the motion.
4. On 15 May 2019, the Applicant requested that Judgment No. UNDT/2019/073 be kept confidential pending its appeal before the Appeals Tribunal.

Consideration

5. In support of her motion for revision of judgment, the Applicant’s contentions can be summarized as follows:
 - a. The Tribunal disregarded the evidence on file.
 - b. The Judgment discloses information that is harmful to the Applicant.
 - c. The Tribunal rejected the Applicant’s request for a case management discussion.
 - d. The Tribunal was not impartial and was biased against the Applicant.
 - e. The Judgment contains clerical errors.
6. The Respondent responds that the Applicant fails to set forth grounds for revision of judgment or for the appointment of a three-judge panel.

7. Article 12 of the Dispute Tribunal's Statute provides:

Either party may apply to the Dispute Tribunal for a revision of an executable judgment on the basis of the discovery of a decisive fact which was, at the time of the judgment was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence [...]

8. The Tribunal notes that, while expressing her disagreement with the Judgment, the Applicant does not set forth any new fact that was unknown to her or to the Tribunal at the time of the rendering of the Judgment. Therefore, the request for revision of judgment cannot be allowed (see, also, the Appeals Tribunal's consistent jurisprudence in line herewith, for instance, *Muthuswami* et al 2011-UNAT-102, *Beaudry* 2011-UNAT-129, *Abbasi* 2013-UNAT-315, *Al-Mulla* UNAT-2014-474 and *Likukela* 2017-UNAT-808).

9. Article 10(9) of the Dispute Tribunal's Statute provides:

Cases before the Dispute Tribunal shall normally be considered by a single judge. However, the President of the United Nations Appeals Tribunal may, within seven calendar days of a written request by the President of the Dispute Tribunal, authorize the referral of a case to a panel of three judges of the Dispute Tribunal, when necessary, by reason of the particular complexity or importance of the case.

10. The Judgment disposes of and closes Case No. UNDT/NY/2018/077. Therefore, this case can no longer be referred to a three-judge panel under art. 10.9 of the Statute of the Tribunal. The Applicant can raise her arguments against the Judgment before the Appeals Tribunal pursuant art. 11. 3 of the Statute of the Dispute Tribunal and art. 7.1(c) of the Statute of the Appeals Tribunal.

11. In support of her request for confidentiality, the Applicant repeats submissions that she made during the proceedings in this case stating that several staff members of the Organization conspired to harm her. The Tribunal fully considered these arguments together with the evidence the Applicant provided in support of her submissions during the proceedings and dismissed them. Therefore, the Tribunal sees no reason to depart

from the principle, enshrined in art. 11.6 of the Statute of the Tribunal, that its judgments are public.

IT IS ORDERED THAT:

12. The motion is dismissed in its entirety.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 16th day of May 2019