

ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL MONETARY FUND

ORDER No. 2018-1

Ms. “NN”, Applicant v. International Monetary Fund, Respondent **(Request for Revision of Judgment No. 2017-2)**

The Administrative Tribunal of the International Monetary Fund,

- considering that on December 28, 2017, Applicant filed a submission with the Administrative Tribunal—without making reference to any particular provision of the Tribunal’s Statute or Rules of Procedure—seeking reconsideration of the quantum of compensation awarded her in *Ms. “NN”, Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2017-2 (December 11, 2017);
- considering that the President of the Administrative Tribunal, in consultation with the other Judges on the panel, decided that the submission would be treated as a request for revision of judgment, governed by Article XVI¹ of the Tribunal’s Statute and Rule XIX² of its Rules of Procedure, and the parties were so notified;

¹ Article XVI provides:

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.

² Rule XIX (Revision of Judgments) provides:

1. In accordance with Article XVI of the Statute, 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. The revision must be requested within six months from the date on which the fact or document is discovered and, in any event, within one year from the date on which the party requesting the revision was notified of the judgment unless, upon request, the President sets another time limit.

- considering that Applicant’s submission was transmitted to Respondent for its response, which was filed on January 29, 2018, and that the further submissions of Applicant and Respondent were filed on March 1, 2018, and March 9, 2018, respectively; and
- having considered the arguments of the parties,

unanimously adopts the following decision:

1. Article XIII, Section 2, of the Tribunal’s Statute provides: “Judgments shall be final, subject to Article XVI and Article XVII, and without appeal.” The Tribunal has explained that this statutory provision “codifies and applies to the Judgments of the Administrative Tribunal the universally recognized principle of *res judicata*, which prevents the relitigation of claims already adjudicated, promoting judicial economy and certainty among the parties.” *Mr. “N”, Applicant v. International Monetary Fund, Respondent (Admissibility of the Application)*, IMFAT Judgment No. 2007-7 (November 16, 2007), para. 19; *Mr. “R” (No. 2), Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2004-1 (December 10, 2004), paras. 24-27. The Tribunal has held that “[a]s a party to the Tribunal’s Judgment, the Fund is bound to implement it,” *Mr. “N”*, para. 19; an applicant likewise is bound by the Tribunal’s judgment.

2. Revision of judgments is one of two “narrowly drawn exceptions” to the general rule of the finality of judgments. *Mr. “F”, Applicant v. International Monetary Fund, Respondent (Interpretation of Judgment No. 2005-1)*, IMFAT Order No. 2005-2 (December 6, 2005), para. 6 and note 3. It is permitted “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.” (Rule XIX, para. 1.)

3. The Tribunal has reviewed Applicant’s post-Judgment submissions and concludes that they do not present any fact which might have had a decisive influence on the Tribunal’s Judgment. Although Applicant may be dissatisfied with the quantum of compensation awarded for intangible injury as a consequence of the Fund’s failure to afford her a pre-screening interview, that relief, as explained in the Judgment, was carefully grounded in the principles that govern the Tribunal’s remedial authority, having regard for both aggravating and mitigating factors. *See Ms. “NN”*, paras. 140-149. What is dispositive of the Applicant’s request for reconsideration of that award, however, is that Applicant has failed to present the Tribunal with any fact or document unknown to her and the Tribunal at the time of the Judgment that would have had a decisive influence on that Judgment.

4. The Tribunal observes that Applicant’s request would likewise be denied if it were to be understood as a request for interpretation or correction of judgment, pursuant to Article XVII,³ as there is no ground to conclude that the terms of Judgment No. 2017-2 are either

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

³ Article XVII provides:

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

“obscure or incomplete.”

5. In her post-Judgment submissions, Applicant additionally refers to a complaint that she had attempted to raise with the Tribunal late in the course of the proceedings leading to Judgment No. 2017-2. The Tribunal decided in that Judgment that it would not be appropriate to consider that complaint, “given that it had not been given any measure of prior review through dispute resolution channels.” *Ms. “NN”*, para. 8. The finality of that element of the Tribunal’s Judgment, just as its decision as to the quantum of compensation awarded, is also “final . . . and without appeal” (Article XIII, Section 2).

ORDER

For the reasons set out above, Applicant’s request for revision of Judgment No. 2017-2 is denied.

Catherine M. O’Regan, President

Andrés Rigo Sureda, Judge

Edith Brown Weiss, Judge

/s/

Catherine M. O’Regan, President

/s/

Celia Goldman, Registrar

Washington, D.C.
May 1, 2018