



JUDGE LUIS MARÍA SIMÓN , PRESIDING .

1. The United Nations Appeals Tribunal (Appeals Tribunal) has received an application for revision of Judgment No. 2013-UNAT-387 in the case of *Gakumba v. Secretary-General of the United Nations*, rendered by the Appeals Tribunal on 17 October 2013 and released to the parties and the public on 19 December 2013. Mr. Nzamwita Gakumba filed his application for revision on 7 February 2014, and the Secretary-General filed his comments on 20 March 2014. By Order No. 194 (2014), the Appeals Tribunal denied Mr. Gakumba's subsequent motion to file additional observations to his 7 February 2014 application for revision.

Facts and Procedure

2. Mr. Gakumba joined the United Nations Development Programme (UNDP) in Rwanda in July 2002 initially on a three-month probationary appointment, which was extended first for two months, and then twice on a fixed-term appointment for one year to carry him through 31 December 2004. He was separated from service at the end of 2004.

3. Mr. Gakumba appealed his separation. In Judgment No. UNDT/2012/192, the United Nations Dispute Tribunal (UNDT or

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2014-UNAT-493

Considerations

11. Applications for revision of judgment are governed by Article 11 of the Statute and Article 24 of the Rules of Procedure of the Appeals Tribunal. By these provisions, an applicant must show or identify the decisive facts that at the time of the Appeals Tribunal's Judgment were unknown to both the Appeals Tribunal and the party applying for revision; [...] such ignorance was not due to the negligence of the applicant; and [...] the facts identified would have been decisive in reaching the decision.¹

12. As this Tribunal stated in *Costa*, "the authority of a final Judgment – *res judicata* – cannot be so readily set aside. There are only limited grounds as enumerated in Article 11 of the Statute of the Appeals Tribunal for review of a final Judgment".²

13. This Court also held in *Beaudry* that "any application which, in fact, seeks a review of a final judgment rendered by the Appeals Tribunal can, irrespective of its title, only succeed if it fulfills the strict and exceptional criteria established by Article 11 of the Statute of the Appeals Tribunal".³

14. The request filed by Mr. Gakumba does not fulfill the statutory requirements and constitutes, in fact, a disguised way to attempt to re-open the case.

15. It is manifestly inadmissible to submit that the UNDP Conversion Policy issued in 2010 could not be argued by the staff member in 2012 before the UNDT, or in 2013 before the Appeals Tribunal. Furthermore, no valid reason has been provided about the untimely submission of the application for revision.

Judgment

16. The application for revision is dismissed.

¹ *Macharia v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-128, para 7.

² *Costa v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-063, para. 4, citing *Shanks v. United Nations Joint Staff Pension Board*, Judgment No. 2010-UNAT-026 *bis*.

³ *Beaudry v. Secretary-General of the United Nations*

Original and Authoritative Version: English

Dated this 17th day of October 2014 in New York, United States.

(Signed)

Judge Simón, Presiding

(Signed)

Judge Weinberg de Roca

(Signed)

Judge Faherty

Entered in the Register on this 22nd day of December 2014 in New York, United States.

(Signed)

Weicheng Lin, Registrar