

## NINETY-SECOND SESSION

***In re* Ortíz Rodríguez (No. 2)**  
**(Application for review)**

**Judgment No. 2084**

The Administrative Tribunal,

Considering the application for review of Judgment 1924 filed by Mr José Luis Ortíz Rodríguez on 29 August 2000 and corrected on 15 September 2000, the reply of 1 February 2001 from the United Nations Industrial Development Organization (UNIDO), the complainant's rejoinder of 7 March, and the Organization's surrejoinder of 12 June 2001;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions and decided not to order hearings, which neither party has applied for;

### CONSIDERATIONS

1. In Judgment 1924 the Tribunal ordered that an offer of settlement made by UNIDO, dated 16 October 1998, and accepted by the complainant should be implemented by the Organization. It awarded the complainant 5,000 United States dollars in costs and dismissed all other claims. The judgment has been fully executed.
2. The complainant now contends that he was intimidated by an official of the Organization into accepting the settlement offer of 16 October 1998, an allegation which was not made in the original complaint and which is strenuously denied by the Organization. The complainant submits that this is a "new fact". He seeks a review of Judgment 1924 and asks the Tribunal to reconsider the pleas contained in his complaint. He also seeks reinstatement, or alternatively, additional compensation together with moral damages and interest.
3. The Tribunal will not review its judgments except in the most unusual circumstances: one of these is the discovery of conclusive new evidence which could not have been brought forward before. Without having to decide on the question of credibility, the allegation of intimidation now made by the complainant does not constitute a "new fact" of which the complainant was unaware when presenting his complaint to the Tribunal. He had a full opportunity to present all aspects of his case.
4. There are no grounds for reviewing Judgment 1924. The judgment is final and binding and the principle of *res judicata* applies.

### DECISION

For the above reasons,

The application is dismissed.

In witness of this judgment, adopted on 9 November 2001, Mr Michel Gentot, President of the Tribunal, Miss Mella Carroll, Vice-President, and Mr James K. Hugessen, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 30 January 2002.

Michel Gentot

Mella Carroll

James K. Hugessen

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 15 February 2002.