

## EIGHTY-EIGHTH SESSION

### ***In re* Verdrager (No. 10)**

(Application for review)

**Judgment 1947**

**The Administrative Tribunal,**

**Considering the application filed by Mr Jacques Verdrager on 28 May 1999 for review of Judgment 325;**

**Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7 of its Rules;**

**Having examined the written submissions;**

### **CONSIDERATIONS**

**1. The complainant has filed a seventh application for review of Judgment 325, delivered by the Tribunal on 21 November 1977 in which it dismissed his complaint against the World Health Organization (WHO). The Tribunal has also dismissed the complainant's six applications for review of that judgment.**

**He indicates that the new application for review has been filed for three reasons:**

- the recent publication of the judgments of the Tribunal on the Internet;**
- the new rulings concerning the application for review (previously based on the discovery of some "new" fact);**
- the election of a new Director-General of the Organization who has given priority to malaria and has insisted that the WHO must become more accountable and more transparent.**

**2. Consistent precedent has it that:**

**"Neither the Statute nor the Rules of Court permit an application for review of a judgment of the Administrative Tribunal. The Tribunal may therefore declare such an application receivable only in quite exceptional circumstances, for example when new facts of decisive importance have come to light since the date of the judgment." (See Judgment 350, *in re* Verdrager No. 2, first paragraph.)**

**Contrary to the complainant's contentions, this case law is still applicable and the discovery of a new fact is still required for an application for review to be declared receivable by the Tribunal.**

**3. The Tribunal holds that neither the publication of its judgments on the Internet nor the election of a new Director-General of the WHO are new facts which would warrant a review of the original judgment.**

**4. For the rest, in support of his conclusion that Judgment 325 appears to be a perfect example of a judgment based on errors and mistakes, the complainant confines himself to developing on the issues already examined in his initial complaint and in his successive applications for review.**

**In this respect, it may be recalled that in Judgment 504 (*in re* Verdrager No. 6), delivered on 3 June 1982, the Tribunal expressed the belief that it had:**

**"fully explained its reasons for rejecting the pleas for review the complainant has already submitted. If he makes any further application which is based on the same pleas, it will simply be dismissed as *res judicata*."**

**As no new fact has been discovered since the complainant's previous application for review, the present application must be dismissed in accordance with the summary procedure in Article 7 of the Rules of the Tribunal.**

## DECISION

**For the above reasons,**

**The application is dismissed.**

**In witness of this judgment, adopted on 17 November 1999, Mr Michel Gentot, President of the Tribunal, Mr Jean-François Egli, Judge, and Mr Seydou Ba, Judge, sign below, as do I, Catherine Comtet, Registrar.**

**Delivered in public in Geneva on 3 February 2000.**

*(Signed)*

**Michel Gentot  
Jean-François Egli  
Seydou Ba**

**Catherine Comtet**