

Decision No. 9

Rudolf Skandera,
Applicant

v.

The World Bank,
Respondent

The World Bank Administrative Tribunal, composed of E. Jiménez de Aréchaga, President, P. Weil, Vice President, A.K. Abul-Magd, R. Gorman, N. Kumarayya and E. Lauterpacht, Members, has been seized of an application received December 21, 1981, by Mr. Rudolf Skandera against the World Bank for revision of Decision No. 2 of this Tribunal of June 5, 1981 in accordance with Article XIII of the Statute of the Tribunal. The Respondent submitted an Answer and the Applicant submitted Observations on the Answer of the Respondent. The Applicant has also made a request for oral proceedings. The Tribunal has decided that oral proceedings are unnecessary and shall not be held. The case was listed on April 26, 1982.

The relevant facts:

1. The facts are as described in Decision No. 2 of the Tribunal ([Skandera v. The World Bank](#)). The Tribunal granted the Applicant partial relief in connection with the termination of his employment by the Bank.
2. The Applicant has produced several documents which he alleges reveal new facts of which he and the Tribunal were unaware at the time of the initial proceeding and which might have had a decisive influence on the judgment of the Tribunal in that proceeding.

The Applicant's main contentions:

3. The proffered documents – a number of reports, letters, and an affidavit from the Applicant – demonstrate that the Applicant's employment, contrary to the initial conclusion of the Tribunal, was terminated without good reason, without due process, and for improper motives.
4. The Applicant seeks compensation in the total amount of \$273,500 for lost past and future earnings and for defamation and humiliation, and \$5,000 for legal costs.

The Respondent's main contentions:

5. The various documents proffered by the Applicant in support of his request for revision are either immaterial, or do not establish facts or claims, or were not unknown to the Applicant at the time of the previous judgment.
6. The requirements for revision of judgment set forth in Article XIII of the Statute have not been met, and the application should therefore be dismissed.

Considerations:

7. Article XIII(1) of the Statute of the Administrative Tribunal 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.

This Article, as well as Article XI(l) providing for finality of the judgments of the Tribunal, compel the conclusion that the powers of revision of a judgment are strictly limited and may be exercised only upon compliance with the conditions set forth in Article XIII.

8. The Tribunal has carefully examined the documents submitted by the Applicant and concludes that none of them satisfies the conditions of Article XIII of the Statute. Certain of these documents were available to, and no doubt known to, the Applicant at the time of the initial judgment, and others were solicited subsequent to the judgment but set forth no facts not already known or contentions not already made. Moreover, it is the conclusion of the Tribunal that these documents set forth no "fact which by its nature might have had a decisive influence on the judgment of the Tribunal." Finally, even if some of the documents may have been procured within six months before the Applicant's request for revision, the facts set forth therein were surely known to the Applicant well before that time.

Decision

For these reasons, the Tribunal unanimously decides that the application be rejected.

E. Jiménez de Aréchaga

/S/ E. Jiménez de Aréchaga
President

C. F. Amerasinghe

/S/ C. F. Amerasinghe
Executive Secretary

At London, England, May 25, 1982