

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

E.

v.

OACPS

(Application for review)

141st Session

Judgment No. 5116

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 4938 filed by Mr M. E. on 6 May 2025;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal and Articles 6, paragraph 5, and 7 of its Rules;

Having examined the written submissions of the complainant;

CONSIDERATIONS

1. The complainant, a former staff member of the Organisation of African, Caribbean and Pacific States (OACPS), filed an application for review of Judgment 4938, delivered on 6 February 2025, whereby the Tribunal dismissed his first complaint, in which he challenged the non-renewal of his contract of employment and alleged a breach of a promise of employment made to him.

2. The case law of the Tribunal states that its judgments are, as provided in Article VI of its Statute, “final and without appeal” and have *res judicata* authority. They may therefore be reviewed only in exceptional circumstances and on strictly limited grounds. Pursuant to Article 6, paragraph 5, of the Rules of the Tribunal, the only admissible grounds for review are failure to take account of material facts, a

material error (in other words, a mistaken finding of fact involving no exercise of judgement), an omission to rule on a claim, or the discovery of new facts on which the complainant was unable to rely in the original proceedings. Moreover, these pleas must be likely to have a bearing on the outcome of the case. Pleas of a mistake of law, failure to admit evidence, misinterpretation of the facts or omission to rule on a plea, on the other hand, afford no grounds for review (see, for example, Judgments 5059, consideration 2, 4327, consideration 3, 3473, consideration 3, 3452, consideration 2, or 3001, consideration 2).

3. In support of his application, the complainant essentially asserts that the Tribunal failed to take account of material facts, which, he argues, prove that he had been assured that he would be granted a contract of employment in February 2021.

4. The Tribunal finds from its examination of Judgment 4938 that it did indeed take into consideration the material facts to which the complainant refers in his application for review. It is clear that what the complainant disputes in support of his application is, in reality, the Tribunal's alleged misappraisal of these facts. Such a plea cannot be put forward, as recalled under consideration 2 above, in an application for review (see also Judgments 4736, consideration 6, 4440, consideration 5, and 3983, consideration 6).

5. In view of the foregoing considerations, the application for review filed by the complainant is clearly without merit and must be summarily dismissed in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The application for review is dismissed.

In witness of this judgment, adopted on 13 November 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.