



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1432

**Thiombiano
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

Order No. 381 (2020)

1. On 10 May 2019, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued Judgment No. UNDT/2019/079 in the case of *Thiombiano v. Secretary-General of the United Nations*, in which the UNDT dismissed as not receivable Mr. Ousseini Thiombiano's application against the decision not to extend his fixed-term appointment from 11 September 2015 to 29 February 2016.
2. Mr. Thiombiano appealed that UNDT Judgment to the Appeals Tribunal. On 27 March 2020, the Appeals Tribunal upheld the UNDT Judgment and dismissed the appeal, in Judgment No. 2020-UNAT-978.
3. On 20 August 2020, Mr. Thiombiano filed an application for revision of Judgment No. 2020-UNAT-978, with a 20-page grounds for application. The Registry instructed Mr. Thiombiano to rectify his revision application to conform to the filing requirement that the grounds for application should not exceed five pages.
4. On 28 August 2020, Mr. Thiombiano filed a motion seeking leave to increase the page limit for his revision application, stating that he could not address at least ten points of errors that this Tribunal allegedly made, within five pages.
5. On 10 September 2020, the Secretary-General filed his comments, stating that the motion should not be granted, because Mr. Thiombiano has failed to demonstrate any circumstances warranting a waiver of the five-page limit for his revision application.

6. Article 11(1) of the Statute of the Appeals Tribunal allows an application for a revision of a judgment on the basis of the discovery of a decisive fact which was, at the time the judgment was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that ignorance was not due to negligence. Such an application has to be filed on a prescribed form (Article 24 of the Rules of Procedure of the Appeals Tribunal). The form for filing such an application to the Appeals Tribunal explicitly states that Section III (Grounds for application) may not exceed five pages. According to Article 14 of the Rules of Procedure, the President may waive the requirements of any article of the rules of procedure dealing with written proceedings provided that the waiver does not affect the substance of the case before the Appeals Tribunal.

7. I have reviewed Mr. Thiombiano's submissions and find that the present case does not justify a departure from the norm. In his grounds for application, Mr. Thiombiano mainly asserts that the Appeals Tribunal, in Judgment No. 2020-UNAT-978, committed numerous errors of law. However, there is no appeal against a judgment of the Appeals Tribunal. An application for revision under Article 11(1) of our Statute is limited to situations where a party discovers a decisive *fact* that was unknown to both the Appeals Tribunal and the party at the time the Judgment was rendered. Mr. Thiombiano should revise his grounds for application and concentrate on any such facts which might have been unknown to him and the Appeals Tribunal at the time the judgment was rendered; this can be done within five pages.

IT IS HEREBY ORDERED that Mr. Thiombiano's motion for an increase of page limit is **DENIED**. He is directed to refile his revision application conforming to the filing requirement within 10 days, i.e., on or before 25 September 2020.

Original and Authoritative Version: English

Dated this 15th day of September 2020
in Hamburg, Germany.

(Signed)
Judge Sabine Knierim,
President

Entered in the Register on this 15th day of
September 2020 in New York, United States.

(Signed)
Weicheng Lin,
Registrar