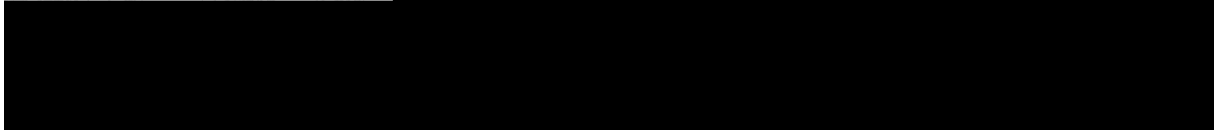




Case No. 2010-138



Counsel for Appellant: E. N. Ngwafor

Counsel for Respondent: Wambui Mwangi

T

Submissions

Mr. Gakehmi's Application

6. Mr. Gakehmi requests the Appeals Tribunal to revise the Judgment of the former

and promising to perform official duties”, the Secretary-General submits that in his letter to Mr. Gakehmi dated 14 November 2006, he accepted the finding by the panel that these allegations were not established. Mr. Gakehmi’s summary dismissal was therefore not based on these allegations which accordingly were not properly before the former Administrative Tribunal.

12. The Secretary-General finally contends that Mr. Gakehmi’s request for interpretation of a statement by the JDC is not receivable since the Statute of the Appeals Tribunal does not confer upon the Appeals Tribunal any power to interpret the conclusions and recommendations made by the JDC.

Considerations

13. Mr. Gakehmi requests the Appeals Tribunal to revise a Judgment issued by the former Administrative Tribunal.

14. The authority to revise its own judgments is expressly conferred upon the Appeals Tribunal by Article 11(1) of its Statute which provides:

Subject to article 2 of the present statute, either party may apply to the Appeals Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application must be made within 30 calendar days of the

17. It follows from these considerations that the Appeals Tribunal is not competent to revise the Judgment of the former Administrative Tribunal. Mr. Gakehmi's application is therefore not receivable.

Judgment

18. The application for revision is dismissed.

Original and authoritative version: English

Dated this 21st day of October 2011 in New York, United States.

(Signed)

Judge Adinyira, Presiding

(Signed)

Judge Weinberg de Roca

(Signed)

Judge Courtial

Entered in the Register on this 2nd day of December 2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar