Head of the UNODC Sub-Regional Office in Abu Dhabi was appointed and that thereafter he would be transferred to a P-3 post in Vienna.

7. By email dated 7 December 2009, the Chief of the Human Resources Management Service confirmed to the Applicant the decisions that had been communicated to him during the meeting on 1 December. On 21 December 2009, the Applicant requested a management evaluation of the decision to no longer laterally reassign him to Abu Dhabi, and on 23 December, he filed an Application requesting this Tribunal to suspend implementation of that decision. The application was registered under the number UNDT/GVA/2009/109 and was followed on 7 May 2010 by an application on the merits. The request for suspension of action was rejected by Order No. 1 (GVA/2010) of 8 January 2010.

Parties' submissions

17.   The Applicant's contentions are:

   a.   The UNDT and the Applicant himself did not know that the memo of 8 December 2009 could not be cited factually and accepted in its entirety in connection with his application for revision of 21 December 2009, to which he referred as arising from the Management Evaluation Unit on 3 February 2010. In that regard, no mention is indeed made of the memo of 8 December 2009. It is the discovery of this fact that constitutes the basis for his request for revision.

   b.   He discovered this fact after a review of the documentation of his case in March 2012, when it struck him that the statements by the Respondent in his regard of 28 February 2012 contradicted the Respondent's previous statements.

   c.   Indeed, in case UNDT/2011/105, the Respondent declared under oath that the Applicant had never asked for management evaluation of the decision to demote him. Now, in his regard of 28 February 2012 in case UNDT/2012/0-5, the subject of this application for revision, the Respondent expressly mentioned the memo of 8 December 2009 referred in connection with another request by the Applicant for management evaluations, to which he had referred a regard on 21 September 2011. Thus, the Respondent allegedly admitted that the memo of 8 December 2009 also addressed the Applicant's demotion. That amounted to the discovery of a new fact that the Tribunal had not known about when it rendered its judgment.

   d.   The UNDT/2012/0-5 Al-Mulla judgment should be revised, bearing in mind from now on that, when he submitted his request for management evaluation on 21 December 2009, the Applicant had asked for a review of the entire memo sent to him on 8 December 2009, including the decision to demote him from P0- to P03.

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Consideration

19.   In this application registered with the Registry of the Tribunal in Geneva on 17 April 2013, the Applicant requests a revision of Judgment No. UNDT/2012/0-. of . April 2012. Said judgment rejected an application filed by the same Applicant on 19 December 2011, in which he contested a decision of which he was notified on 12 March 2010 to reassign him to a P30grade post after he had held a P0- post.

20.   Article 12 ?1A of the Statute of the Tribunal provides that:

> Either party may apply to the Dispute Tribunal for a revision of an executable judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Dispute Tribunal and to the party applying for revision, and as provided that such ignorance was not due to negligence. The application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

21.   Likewise, Article 29 of the Rules of Procedure of the Tribunal provides that:

> 1.   Either party may apply to the Dispute Tribunal for a revision of a final judgement on the basis of the discovery of some fact of such a nature as to be a decisive factor, which was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence.

23.   T%e T!"'una# &annot fa"# to o"nt out t%at t%e A #"&ant %"mse#f atta&%ed to %"s a #"&at"on of 19 De&em'e! 2011$ t%e su',e&t of t%e ,udgment of . A !"# 2012 t%at %e as2s to %a+e !e+"sed$ 'ot% t%e ema"# memo of - De&em'e! 2009 and t%e !e7uest fo! management e+a#uat"on of 21 De&em'e! 2009. Conse7uent#*$ %e &an unde! no &"!&umstan&es &#a"m t%at$ on t%e one %and$ %e (as una(a!e of t%e

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(Signed)

Judge Jean0F!anJo"s Cous"n

Dated t%"s 23th da* of August 2013

4nte!ed "n t%e)eg"ste! on t%"s 23th da* of August 2013

(Signed)

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