

Keywords: Request to set aside or to revise the judgment (interpretation of applicant's letter which does not contain such a request); written procedure; no examination of the substance; manifest inadmissibility

Schlagworte: Gesuch um Aufhebung oder Revision des Urteils (Auslegung des Schreibens des Antragstellers, das kein solches Gesuch enthält); schriftliches Verfahren; Nichteintreten; offensichtliche Unzulässigkeit

Mots-clefs: Requête en annulation ou en révision du jugement (interprétation de la lettre du requérant qui ne contient pas une telle requête); procédure écrite; absence d'examen au fond; irrecevabilité manifeste

1/2020

Judgment of 6 April 2020 (Review Procedure ATBIS 1/2018)

Administrative Tribunal of the Bank for International Settlements

Prof. Dr. Tobias Jaag, Presiding Judge,
Prof. Dr. Abbo Junker, Reporting Judge,
Prof. Geneviève Bastid Burdeau, Judge,
Prof. Dr. Ramon Mabillard, Registrar,

X. _____,

Applicant

against

the Bank for International Settlements, international organisation with registered office in Basel,

Respondent

re

Procedure leading to the Judgment ATBIS 1/2018 of 11 April 2019

Considering

that the Applicant submitted three copies of a letter addressed to the Registrar dated 17 February 2020 (received 24 February 2020) containing various assertions regarding the procedure leading to the judgment ATBIS 1/2018 of 11 April 2019 in the matter of the Applicant against the Respondent *re* Payment of damages *etc.* and asked the Registrar to forward these letters to the judges involved in the said procedure;

that the President of the Tribunal determined that the same members who served on the panel deciding ATBIS 1/2018 shall serve on the panel for this procedure by his Procedural Order No. 1;

that judgments of the Tribunal are final and without appeal (article 25 paragraph 1 Rules of Procedure);

that either party may (a) within 30 days of receiving the considered judgment, request that it be set aside if the provisions of the Rules of Procedure concerning the composition of the full Tribunal or of a panel have not been observed, or if the panel has wrongfully granted one of the parties either more or something other than such party had asked for, or less than the opposing party had acknowledged was due to the first party; or (b) within 90 days of discovering grounds for revision request that the judgment be revised, such grounds being new facts which come to knowledge of the party concerned after the delivery of the judgment by the Tribunal and which, had they been known at the time of the hearings, might have had decisive influence on the content of the judgment (article 26 paragraph 1 Rules of Procedure);

that the grounds for setting aside are limited to (i) the wrong composition of the full Tribunal or of a panel, (ii) the wrongfully granting one of the parties more or something other than such party had asked for, or (iii) the wrongfully granting one of the parties less than the opposing party had acknowledged was due to the first party (article 26 paragraph 1 *litera* (a) Rules of Procedure);

that the grounds for revising a judgment are limited to new facts which come to the knowledge of the party concerned after the delivery of the judgment by the Tribunal and which, had they been known at the time of the hearings, might have had a decisive influence on the content of the judgment (article 26 paragraph 1 *litera* (b) Rules of Procedure);

that no other grounds than those mentioned in article 26 paragraph 1 Rules of Procedure, such as other procedural errors, in particular declining a hearing, are available under the Rules of Procedure for setting aside or revising a judgment (article 26 paragraph 1 Rules of Procedure *e contrario*);

that to be admissible, the request to set aside or revise the judgment shall state the grounds for setting aside or revising the judgment, and in the latter case the amendments to be made to it (article 26 paragraph 2 Rules of Procedure);

that the panel shall pass judgment on the request to set aside or revise the judgment by written procedure, in principle without any hearings, but after an exchange of written submissions (article 26 paragraph 3 first sentence Rules of Procedure);

that the panel, however, shall by virtue of its office examine the admissibility of an application, including a request to set aside or revise a judgment according to article 26 Rules of Procedure (article 14 paragraph 1 Rules of Procedure);

that the panel may, without any hearings, decide by unanimous vote via written procedure not to examine the substance of an application, including a request to set aside or revise a judgment according to article 26 Rules of Procedure if it is manifestly inadmissible or manifestly amounts to an abuse of process (article 14 paragraph 2 Rules of Procedure);

that the Applicant's letters dated 17 February 2020, though containing various assertions regarding the procedure leading to the judgment ATBIS 1/2018 of 11 April 2019, do not request to set aside or revise this judgment nor do they specify any grounds for setting aside or revising this judgment nor do they mention any specific amendments to be made to this judgment;

the Panel unanimously decides:

1. The Applicant's letters dated 17 February 2020 are manifestly not admissible either as a request for setting aside or as a request for revising the judgment ATBIS 1/2018 of 11 April 2019.
2. The substance of the Applicant's afore mentioned letters is not to be examined any further.
3. The judgment ATBIS 1/2018 of 11 April 2019 is final.

Basel, 6 April 2020

The President of the Panel:

The Registrar:

Tobias Jaag

Ramon Mabillard