

**Administrative Tribunal**

Distr.: Limited
30 September 2003
Original: English

ADMINISTRATIVE TRIBUNAL

Judgement No. 1101

Case No. 1041: SOKOLOV

Against: The United Nations Joint Staff
Pension Board

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Mayer Gabay, First Vice-President, presiding; Mr. Kevin Haugh, Second Vice-President; Ms. Jacqueline Scott;

Whereas, on 28 March 2001, Dmitri Konstantinovich Sokolov, a former participant of the United Nations Joint Staff Pension Fund (hereinafter referred to as UNJSPF or the Fund), filed an application that did not fulfil all the formal requirements of article 7 of the Rules of the Tribunal;

Whereas, on 31 May 2001, the Applicant, after making the necessary corrections, again filed an Application in which he requested, in accordance with article 12 of the Statute of the Tribunal, the revision of Judgement No. 957 rendered by the Tribunal on 31 July 2000;

Whereas the Application contained pleas requesting the Tribunal to:

"[Oblige the United Nations Joint Staff Pension Fund (UNJSPF) to reinstate him in the Pension Fund or to pay to him personally and directly, completely or in part, the accumulation of his pension as per the payment instruction of 3 November 1980]".

Whereas, on 21 January 2003, having not received a Respondent's answer, the Tribunal decided that it would consider the case at its next session, on the basis of the documentation contained in the dossier; and, on 23 January 2003, the Respondent concurred with the decision of the Tribunal;

Whereas the facts of the case subsequent to the statement of facts contained in Judgement No. 957 are as follows;

On 28 April 2001, the Ministry of Labour and Social Development of the Russian Federation informed the Applicant that it had decided, by decree No. 229 of 23 March 2001, to establish for citizens of the Russian Federation who are former staff members of the international organizations of the United Nations system and have transferred their pension rights in accordance with the Agreement of 10 October 1980 a monthly supplement to the State pension (monthly living allowance). The monthly supplement is set, on the basis of the amount transferred by the UNJSPF to the account of the State Social Insurance Budget of the USSR allocated for pension purposes.

On 31 May 2001, the Applicant filed the above-referenced Application with the Tribunal;

Whereas the Applicant's principal contentions are:

1. The decision of the Ministry was made unilaterally and without his consent, leaving him with "only 40 dollars", while "everything else" will be confiscated by the Government.
2. The Applicant has discovered a number of facts unknown to the Tribunal and to the party claiming revision.

The Tribunal, having deliberated from 24 June to 21 July 2003, now pronounces the following Judgement:

- I. The Applicant seeks revision of Judgment No. 957, under article 12 of the Statute of the Tribunal, claiming that relevant facts of a material nature were discovered, unknown to the Tribunal when the said Judgment was rendered.
- II. An issue arises as to whether the Applicant has standing to request a revision of Judgment No. 957, regarding his entitlement to retirement benefits.
- III. On 28 April 2001, the Government of the Russian Federation issued a decree resulting in a change to the Applicant's monthly pension payments. He presents this

decree to the Tribunal as evidence of a new fact, unknown to the Tribunal and the Applicant at the time Judgement No. 957 was rendered, on 31 July 2000.

IV. The Respondent did not submit any formal reply to the Application for the following reasons:

(a) The Respondent fails to understand the legal basis and reasoning advanced in the Application for revision; and,

(b) The request for revision was not based on the discovery of any new relevant facts, as required under the Tribunal's Statute.

V. The Tribunal finds that the evidence presented by the Applicant in support of his request for revision is neither decisive nor substantively relevant. What he relies upon as a newly discovered fact is actually a change in the state of affairs which came into effect after the Judgement was rendered.

VI. Accordingly, the Tribunal holds that the request for revision does not meet the requirements of article 12 of the Statute. Consequently, the Application for the revision of Judgment No. 957 is hereby rejected in its entirety.

(Signatures)

Mayer Gabay
First Vice-President, presiding

Kevin Haugh
Second Vice-President

Jacqueline R. Scott
Member

Geneva, 21 July 2003

Maritza Struyvenberg
Executive Secretary

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