

UNDT/2009/087, Mezoui

UNAT Held or UNDT Pronouncements

Article 11.3 of the UNDT statute provides that in the absence of an appeal, a UNDT judgment shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal. Article 12.1 of the UNDT statute provides, among other things, that a party may apply to the UNDT for a revision of an executable judgment on the basis of the discovery of a decisive fact. It results from the above-mentioned provisions read together that if a party discovers a decisive fact before the expiry of the time provided for appeal, that party may challenge the judgment rendered by UNDT by way of appeal only. A party may apply for revision only if a decisive fact is discovered following the expiry of the time provided for appeal. In the present case, the Applicant applied for revision before the expiry of the time provided for appeal. Accordingly, the application for revision is not receivable. Additionally, the Applicant's request for revision is not based on decisive facts, within the meaning of article 12.1 of the UNDT statute, or on facts that were unknown to both the Tribunal and the Applicant at the time the judgment was rendered.

Decision Contested or Judgment/Order Appealed

The Applicants applied for a revision of a judgment before the expiry of the time provided for appeal in the statute of the Appeals Tribunal, i.e. before the judgment became executable, whereas article 12.1 of the UNDT statute provides that only an executable judgment may be subject to appeal.

Legal Principle(s)

N/A

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Mezoui

Entity

DESA

Case Number(s)

UNDT/GVA/2009/088

Tribunal

UNDT

Registry

Geneva

Date of Judgement

9 Dec 2009

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

UNAT Statute

- Article 7.1

UNDT Statute

- Article 11.3
- Article 12.1