

2010-UNAT-064, Kasmani

UNAT Held or UNDT Pronouncements

UNAT stated that an Application for Interpretation is not receivable if its actual purpose is to have UNAT re-examine its decision, even though its judgments are final and without appeal, or to have it comment on its decision. UNAT held that the applications made under subparagraphs (a) to (g) of paragraph 30 of the appeal, with the purpose of either calling into question the decision or having UNAT issue comments on the decision, were not receivable. UNAT held that the use of the word “annul” would not lead to confusion in the mind of a party in good faith because the language of administrative law in francophone countries more commonly refers to rejecting appeals and annulling or amending judgments. UNAT held that, absent provisions of the Statute or the Rules of Procedure of UNAT or a decision by the Tribunal indicating otherwise, there is no question that the judgment, which is final and without appeal, immediately takes effect on the date it is rendered. UNAT held that the application regarding the judgment’s legal effect was not receivable. UNAT rejected the application for Interpretation of judgment in its entirety.

Decision Contested or Judgment/Order Appealed

Previous judgment: The Applicant submitted an Application for Interpretation of judgment as it pertained to the meaning of “annul”, and of what legal effect the UNAT judgment had before he received the translation. The Secretary-General submitted that the meaning and the scope of the judgment were unambiguous, requiring no interpretation.

Legal Principle(s)

An application for interpretation is not receivable if its actual purpose is to have UNAT re-examine its decision, even though its judgments are final and without appeal, or to have it comment on its decision. It is only admissible if the wording of

the judgment is not sufficiently clear, owing to ambiguity or incoherence, such that a party might, in good faith, be unsure of the meaning or scope of that judgment. Absent provisions of the Statute or the Rules of Procedure of UNAT or a decision by the Tribunal indicating otherwise, there is no question that the judgment, which is final and without appeal, immediately takes effect on the date it is rendered.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Kasmani

Entity

UNON

Case Number(s)

2009-015bis

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2010

President Judge

Judge Courtial

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNAT RoP

- Article 25

UNAT Statute

- Article 11.3

Related Judgments and Orders

2010-UNAT-011