

2011-UNAT-145, Eid

UNAT Held or UNDT Pronouncements

UNAT affirmed the UNDT order denying revision. UNAT held that a change in law is not a “fact” contemplated by Article 12. 1 of the UNDT Statute. UNAT held that the issuance of new jurisprudence by UNAT is an issue of law, not of fact.

Decision Contested or Judgment/Order Appealed

UNDT Order: The Secretary-General submitted an application with UNDT for revision of its judgment, under Article 29 of the UNDT RoP. The Secretary-General considered the new decision of UNAT to fix the interest rate applicable to pre-judgment compensation at the US prime rate to be a “decisive fact” which was unknown at the time of the UNDT judgment. The Secretary-General maintained that UNDT’s award of eight per cent rate on the pre-judgment compensation was contrary to the new jurisprudence of UNAT and, should, therefore be revised. UNDT rejected the application for revision, holding that the issuance of new jurisprudence by UNAT did not constitute a new fact.

Legal Principle(s)

The issuance of new jurisprudence by UNAT is an issue of law and does not constitute a new fact.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Eid

Entity

UNIFIL

Case Number(s)

2010-143

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

UNDT RoP

- Article 29

UNDT Statute

- Article 12.1

Related Judgments and Orders

UNDT/2010/106