

2011-UNAT-163, Masri

UNAT Held or UNDT Pronouncements

UNAT considered an application for revision judgment No. 2010-UNAT-098. UNAT held that the application did not meet the statutory requirements of the UNAT Statute. UNAT held that the alleged new information or misinterpretation of the date of a transaction did not constitute circumstances that warranted a revision, because they would not result in the exclusion of the main reasons stated by UNAT for vacating the UNDT judgment and affirming the administrative decision of summary dismissal. UNAT held that the application was not admissible since it repeated an argument already examined and rejected by the previous judgment and its actual goal was to litigate the case de novo, an option which is not provided to the parties by the applicable law. UNAT dismissed the application.

Decision Contested or Judgment/Order Appealed

Previous UNAT judgment: In judgment No. 2010-UNAT-098, UNAT vacated the UNDT judgment and affirmed the administrative decision of summary dismissal.

Legal Principle(s)

An application for revision of a final judgment by UNAT can only succeed if it fulfils the strict criteria established by Article 11 of the UNAT Statute. The authority of a final judgment – res judicata – cannot be readily set aside.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Masri

Entity

MONUC

Case Number(s)

2010-095

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

GA Resolutions

- A/RES/32/253

UNAT Statute

- Article 11.1

Related Judgments and Orders

UNDT/2010/056

2010-UNAT-036

2010-UNAT-026