

2013-UNAT-315, Abbasi

UNAT Held or UNDT Pronouncements

UNAT considered an application for revision and an application for interpretation of judgment No. 2011-UNAT-112, both filed by Ms Abbasi. On the application for revision, UNAT held that it constituted a disguised way to criticise the impugned judgment or to disagree with it, noting that the rules did not allow the use of an application for revision for such a goal or to modify, complete or improve a UNAT judgment. UNAT held that, even if the “cheating” in the written test had been qualified as previously unknown and not due to Ms Abbasi’s negligence, it would not have had a decisive impact on the outcome of the case because the circumstance did not affect the performance of Ms Abbasi or of the candidates better qualified than her. UNAT held that this “unknown” fact would have been of no interest to UNAT during its review of the UNDT judgment. On the application for interpretation, UNAT held that if a judgment is comprehensive, whatever the opinion the parties may have about it or its reasoning, an application for interpretation is not admissible, as per this case. UNAT dismissed both the application for revision and the application for interpretation.

Decision Contested or Judgment/Order Appealed

Ms Abbasi contested her non-selection on grounds of gender discrimination. On appeal, UNAT vacated the UNDT judgment, finding no violation of Ms Abbasi’s right to be equally considered during the selection process and that the UNICEF’s Gender Parity and Equality Policy had been applied in her favour.

Legal Principle(s)

Revision of judgment requires the discovery of a decisive fact which was, at the time the judgment was rendered, unknown to UNAT and to the party applying for revision, provided that such ignorance was not due to negligence. The authority of a

final judgment – res judicata – cannot be readily set aside. Any application which seeks review of a final judgment rendered by UNAT can only succeed if it fulfils the strict and exceptional criteria established by Article 11 of the UNAT Statute.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Abbasi

Entity

UNICEF

Case Number(s)

2010-107

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

Revision of Judgment

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNICEF Gender Parity and Equality Policy

UNAT RoP

- Article 24

UNAT Statute

- Article 11.1

Related Judgments and Orders

UNDT/2010/055

2011-UNAT-129

2010-UNAT-063

2010-UNAT-026bis

2011-UNAT-128