

2017-UNAT-735, Awe

UNAT Held or UNDT Pronouncements

UNAT considered an application for revision of judgment No. 2016-UNAT-667. Noting that there was no provision under its Rules of Procedure allowing for the submission of additional pleadings after the submission of comments to an application for revision of judgment and that no exceptional circumstances existed, UNAT dismissed Mr Awe's motion to file additional comments. UNAT considered Mr Awe's claim to have discovered new facts in the form of a report of the fact-finding panel which considered his complaints of abuse of authority and harassment which allegedly showed, in sum, the improper role of the Chief of Administrative Support (CAS), UNAMI in the process. UNAT held that it was satisfied that the fact-finding panel did not make any findings regarding the conduct of the CAS in relation to the contested decision and that the arguments put forward by Mr Awe were not new facts, and were speculative and unconvincing. UNAT recalled that an application for revision is not a substitute for an appeal and no party may seek revision of a judgment merely because he or she is dissatisfied with it and wants to have a second round of litigation. UNAT held that it was not persuaded that Mr Awe had produced a decisive new fact justifying a revision of the UNAT judgment. UNAT dismissed the application for revision of judgment.

Decision Contested or Judgment/Order Appealed

In judgment No. UNDT/2015/099, UNDT found that the decision to relocate Mr. Awe was lawful and that the reassignment was a proper exercise of the Secretary-General's discretion. In judgment No. 2016-UNAT-667, UNAT dismissed Mr. Awe's appeal and affirmed the UNDT judgment in its entirety.

Legal Principle(s)

There must be an end to litigation and the stability of the judicial process requires that final judgments by an appellate court be set aside only on limited grounds and for the gravest of reasons. A revision of a final judgment is an exceptional procedure and not an additional opportunity for a party to re-litigate arguments that failed at trial or on appeal.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Awe

Entity

UNAMI

Case Number(s)

2016-978

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Revision of Judgment

Applicable Law

UNAT RoP

- Article 24
- Article 31.1

UNAT Statute

- Article 11.1

Related Judgments and Orders

2016-UNAT-667