

2022-UNAT-1275, Hussam Abd AlRhman Al Dirawi

UNAT Held or UNDT Pronouncements

The UNAT held that the supposedly unknown facts that Mr. Al Dirawi detailed in his application for revision of the UNAT Judgment focus on findings and conclusions in the UNAT Judgment with which he disagrees. Notably, these matters were considered in the original appeal and Mr. Al Dirawi basically submits a second appeal for a reassessment of the facts in his case, a remedy which is not available to the parties once the Appeals Tribunal has issued a final judgment. The UNAT thus held that Mr. Al Dirawi's application was not receivable.

Decision Contested or Judgment/Order Appealed

Mr. Al Dirawi submitted an application for revision of Judgment No. 2021-UNAT-1158, in which the UNAT affirmed the UNRWA DT judgment that upheld his dismissal for serious misconduct.

Legal Principle(s)

Any application which seeks a review of a final judgment rendered by the Appeals Tribunal can only succeed if it fulfils the strict and exceptional criteria established by Article 11 of the Statute of the Appeals Tribunal.

Pursuant to Article 11, an applicant must show or identify the decisive facts that at the time of the Appeals Tribunal's judgment were unknown to both the Appeals Tribunal and the party applying for revision; that such ignorance was not due to the negligence of the applicant; that the facts identified would have been decisive in reaching the decision; and that the decisive facts existed at the time when the

judgment was given and were discovered subsequently.

An application for revision of a judgment which does not meet the statutory prerequisites, cannot be a collateral means of attack on the judgment or allowed to be a second right of final appeal.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for revision of judgment is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Hussam Abd AlRhman Al Dirawi

Entity

UNRWA

Case Number(s)

2022-1649

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Nov 2022

President Judge

Judge Knierim

Judge Raikos

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Revision of Judgment

Jurisdiction / receivability (UNAT)

Judgment-related matters

Applicable Law

UNAT Statute

- Article 11

UNAT RoP

- Article 24

Related Judgments and Orders

2021-UNAT-1131

2022-UNAT-1193