

2022-UNAT-1288, Ashraf Zaqqout

UNAT Held or UNDT Pronouncements

UNAT dismissed Mr. Zaqqout's application for correction of judgment on the grounds that Mr. Zaqqout attempted to relitigate his case instead of demonstrating mistakes in the nature of those intended to be covered by Article 11(2), and he had failed to explain the significant delay in applying to correct the alleged errors.

UNAT also dismissed Mr. Zaqqout's application for revision of judgment. UNAT found that this being the second application for revision Mr. Zaqqout had filed in this case, he was required to demonstrate exceptional circumstances, a test he did not meet; and that even if the position was otherwise, Mr. Zaqqout would have been unsuccessful on the merits as none of the facts submitted by Mr. Zaqqout were decisive for his case.

Finally, UNAT dismissed the Commissioner-General's application for an award of costs. Considering that Mr. Zaqqout was unrepresented and may not have been aware of the real possibility of a significant costs' award against him, UNAT decided not to award costs and instead to warn him that any further manifestly unmeritorious related proceedings would likely result in an award of costs against him.

Decision Contested or Judgment/Order Appealed

By Judgment No. 2020-UNAT-1055, UNAT dismissed Mr. Zaqqout's appeal from an UNRWA DT Judgment concerning, essentially, the Commissioner-General's decisions about extension and non-renewal of Mr. Zaqqout's limited duration contract as a social worker with UNRWA. UNAT concluded that the UNRWA DT did not err in upholding the Commissioner-General's decisions which culminated in Mr. Zaqqout not being employed further by UNRWA.

Legal Principle(s)

To succeed with an application for revision, the filing party must establish, cumulatively, each of four requirements: first, that the fact or facts it wishes UNAT to consider was or were unknown to it and to UNAT at the time the original judgment was rendered; second, that its prior ignorance of this fact or these facts was not due to its negligence; third, that the fact or facts will be decisive of its appeal, that is that they will persuade UNAT to change its earlier decision to one in its favour. Fourth and finally, it must comply with the time limitations in making this application.

The circumstances in which a second or subsequent application for revision will be allowed will be rare and the circumstances in which the Appeals Tribunal might allow it, exceptional. It is, nevertheless, possible that after a first revision application has been decided, further earlier relevant but concealed information comes to light which may be decisive of the original case. There is no statutory restriction upon the number of such applications, although the time limits on making them and the other tests to be passed before a revision can take place will, in most cases, make this a difficult exercise.

To succeed with an application for correction, the filing party must establish that the Judgment contains an error or errors. The errors which may be corrected are clerical or typographical or similar errors or inadvertent slips. This is not, however, a general right of appeal or judicial review.

There is no statutory time limit within which an applicant must apply for correction of an error. However, to do so is the exercise of a discretion and undue delay in making an application is a factor in the exercise of that discretion.

Although the UNAT is able to and will acknowledge typographical and like errors, omissions, and slips in its judgments, doing so will not necessarily change the result in the case unless the error, as corrected, was so significant that the original outcome cannot stand. The UNAT's error correction powers are limited to the sorts of errors exemplified in Article 11(2), clerical or arithmetical mistakes, or accidental slips. While this is not a closed category of the sorts of errors that may be corrected, the list exemplifies the relatively narrow range of inadvertent errors and guides the Tribunal in determining such applications.

Costs' awards are rarely made by the UNAT and then only in extreme cases. The interests of justice usually require that a party should be warned of such a possibility

and thereby be aware of it.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Mr. Zaqqout's applications for correction and revision of Judgment No. 2020-UNAT-1055 are dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ashraf Zaqqout

Entity

UNRWA

Case Number(s)

2021-1619

Tribunal

UNAT

Registry

New York

Date of Judgement

15 Dec 2022

President Judge

Judge Raikos
Judge Colgan
Judge Halfeld

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Costs
Correction of Judgment
Revision of Judgment
Abuse of process before UNDT/UNAT
Judgment-related matters

Applicable Law

UNAT Statute

- Article 11.1
- Article 11.2
- Article 9.2

Related Judgments and Orders

2013-UNAT-320
2013-UNAT-392
2021-UNAT-1152