

2022-UNAT-1276, Ahmad Shuaib Payenda

UNAT Held or UNDT Pronouncements

The UNAT held that the decisive fact which the staff member maintains is sufficient for the revision is a letter that was known to him at the time of his initial application to the UNDT. The UNAT found that the reasons for not presenting it were not persuasive.

The UNAT noted that even if it were to consider the letter known only at the time of the issuance of the previous UNAT Judgment, the application for revision had not been filed on time.

The UNAT was of the view that the staff member's application for revision constituted, in fact, a disguised attempt to re-open the case and that was impermissible.

The UNAT dismissed the application for revision.

Decision Contested or Judgment/Order Appealed

A former staff member submitted an application for revision of Judgment No. 2021-UNAT-1156 in which the UNAT had dismissed the staff member's appeal and found that he had breached his duty to provide correct and accurate information in his UNICEF job application and agreed with the UNDT that his dismissal from the service of UNICEF was lawful.

Legal Principle(s)

For revision, an applicant must show or identify a decisive fact that at the time of the Appeals Tribunal Judgment was 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 fact identified would have been decisive in reaching the decision; and that the decisive fact existed at the time when the judgment was given and discovered subsequently. Facts which occur after a judgment has been given are not such facts within the meaning of Article 11 of the Statute and Article 24 of the Rules, irrespective of the legal consequences that such facts may have.

The Appeals Tribunal's judgments are decisive and definitively binding on the parties. The Appeals Tribunal is the final appellate body in the United Nations' internal justice system and an application for revision of a judgment cannot be a collateral means of contesting the judgment, nor can it be allowed to be a second right of appeal.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for revision dismissed on the merits.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ahmad Shuaib Payenda

Entity

UNICEF

Case Number(s)

2022-1650

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Nov 2022

President Judge

Judge Knierim

Judge Murphy

Judge Halfeld

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Revision of Judgment

Judgment-related matters

Applicable Law

UNAT Statute

- Article 10.5
- Article 11

UNAT RoP

- Article 24

Related Judgments and Orders

2022-UNAT-1193

2021-UNAT-1131

2021-UNAT-1156