

2024-UNAT-1483, Jane Ocokoru

UNAT Held or UNDT Pronouncements

Ms. Ocokoru filed an appeal.

The Appeals Tribunal dismissed the appeal. The Appeals Tribunal found that Ms. Ocokoru had failed to file her appeal within the applicable time limit pursuant to Article 7(1) of the UNAT Statute and had failed to request a suspension, waiver or extension of the time limits. The UNAT concluded that the appeal was therefore time-barred and not receivable *ratione temporis*.

The Appeals Tribunal found that, in any event, the UNDT did not err in finding the application not receivable *ratione materiae* on grounds that the arguments raised by Ms. Ocokoru had already been fully litigated and were barred by *res judicata*.

Decision Contested or Judgment/Order Appealed

Before the UNDT, Ms. Ocokoru challenged the decision of the Secretary-General to close investigations into her rape complaint; the non-implementation of a previous UNDT Judgment; the decisions to “underpay compensation” ordered by the UNDT and to withhold her salary; and the refusal to pay her medical bills and refuse to properly and conclusively separate her.

By Judgment No. UNDT/2023/109, the UNDT dismissed Ms. Ocokoru’s application as not receivable *ratione materiae*. The UNDT found that her application was barred by *res judicata* as her claims had been adjudicated in previous judgments.

Legal Principle(s)

The oral hearing before the UNAT does not aim to provide any further oral evidence or otherwise, but to discuss elements of fact and of law which are already on the record.

The UNAT has discretion to determine whether to hold an oral hearing or not, with the aim to deal with the case efficiently and fairly.

Strict adherence to filing deadlines assures one of the goals of our new system of administration of justice: the timely hearing of cases and rendering of judgments. The UNAT has also consistently held that staff members are presumed to know the Regulations and Rules applicable to them. It is the staff member’s responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations. Ignorance cannot be invoked as an excuse.

The “receipt” in Article 7(1)(c) of the UNAT Statute which triggers the time limit for filing an appeal cannot be construed as the moment when an appellant takes notice of the response. Rather, the impugned Judgment sent by the UNDT Registry to both parties constitutes receipt of the impugned Judgment and triggers the time limit. If the receipt depends on the acknowledgement by the appellant, the timely hearing of cases and rendering of judgment will not be assured.

Under the doctrine of *res judicata*, an application is not receivable *ratione materiae* when the matter has been resolved by a prior final judgment. *Res judicata* signifies that the same cause of action cannot be adjudicated

twice.

The Appeals Tribunal stresses the importance of the finality of a judgment. There must be an end to litigation. 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.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Jane Ocokoru

Entity

UNMISS

Case Number(s)

2023-1884

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Nov 2024

President Judge

Judge Gao

Judge Sandhu

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Temporal (ratione temporis)

Subject matter (ratione materiae)

Oral hearings

Jurisdiction / receivability (UNAT)

Procedure (first instance and UNAT)

Applicable Law

UNAT Practice Direction No.1

UNAT RoP

- Article 18.1

UNAT Statute

- Article 7.1
- Article 7.1(c)
- Article 7.3
- Article 8.2

Related Judgments and Orders

UNDT/2015/004

UNDT/2023/109
2015-UNAT-604
2018-UNAT-826
UNDT/2020/045
2023-UNAT-1376
2022-UNAT-1278
2010-UNAT-026bis
2023-UNAT-1320