

2024-UNAT-1488, Abdurrahman Turk

UNAT Held or UNDT Pronouncements

The UNAT held that the applicant's reliance on Article 2 of the UNAT Statute for his application for revision was misguided and as such, was not receivable and lacked merit. The UNAT nonetheless reviewed his application for revision under the appropriate legal framework, which is in Article 11 of the UNAT Statute and Article 24 of the UNAT Rules of Procedure.

The UNAT held that other than the application being filed within one year of the UNAT Judgment at issue, the application for revision did not comply with any of the statutory requirements. There was no fact discovered after the issuance of the UNAT Judgment which was unknown to the Appeals Tribunal or the former staff member at the time of the decision. The UNAT found that the former staff member's application basically repeated or added to the same arguments he made in his original appeal. The UNAT held that the former staff member has never countervailed the facts established in the UNAT Judgment, which is final and without appeal. The UNAT reiterated that the application was a disguised attempt to reopen his prior case and consequently, not meritorious.

The UNAT denied the former staff member's claim to moral damages because there can be no compensation without establishing illegality.

The UNAT dismissed the application.

Decision Contested or Judgment/Order Appealed

In Judgment No. 2023-UNAT-1395, the Appeals Tribunal dismissed Mr. Turk's (a former staff member) appeal against Judgment No. UNDT/2022/118. In that UNDT Judgment, which the UNAT affirmed, the UNDT had dismissed Mr. Turk's challenge to the non-renewal of his fixed-term appointment (FTA).

The former staff member applied for revision of the UNAT Judgment

Legal Principle(s)

Article 2 of the UNAT Statute lays down the jurisdiction or competence of the Appeals Tribunal to determine appeals of judgments of first instance tribunals and not the revision of a judgment of the Appeals Tribunal.

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

For an application for revision to be receivable, four requirements must be met, namely that a new fact was discovered that was unknown to the UNAT or to the party applying for revision, such ignorance was not due to negligence of the party, the new fact would have been decisive to reaching the original judgment, and the application for revision is made within 30 days of discovery of the new fact and within one year of the date of the UNAT judgment.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for revision is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdurrahman Turk

Entity

UNAMI

Case Number(s)

2023-1885

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Nov 2024

President Judge

Judge Forbang

Judge Gao

Judge Sheha

Language of Judgment

English

Appeal Number

2023-UNAT-1395

Issuance Type

Judgment

Categories/Subcategories

Revision of Judgment

Judgment-related matters

Applicable Law

UNAT RoP

- Article 24

UNAT Statute

- Article 10.6
- Article 11.1

UNDT Statute

- Article 2

Related Judgments and Orders

2023-UNAT-1395

2024-UNAT-1449

2017-UNAT-711

2022-UNAT-1193

2013-UNAT-393

2023-UNAT-1352

2022-UNAT-1276