



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2010-053

**Ishak
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

CORRECTION OF JUDGMENT

Before: Judge Rose Boyko, Presiding
Judge Inés Weinberg de Roca
Judge Jean Courtial

Judgment No.: 2010-UNAT-050/Corr.1

Date: 29 September 2010

Registrar: Weicheng Lin

Counsel for Appellant: Self-represented

Counsel for Respondent: Phyllis Hwang

JUDGE ROSE BOYKO, Presiding.

Synopsis

1. The Appeals Tribunal issues a corrigendum to Judgment No. 2010-UNAT-050 in order to correct an error made in the Judgment concerning the receivability of the appeal. The Appeals Tribunal confirms its dismissal of the appeal.

Facts and Procedure

2. In Judgment No. 2010-UNAT-050, the Appeals Tribunal held that the appeal by Ishak was time-barred, and not receivable, and therefore dismissed it in its entirety. In its consideration of the merits of the appeal, this Tribunal held that the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) had correctly concluded that it had no jurisdiction to hear Ishak's appeal before the Joint Appeals Board. Judgment No. 2010-UNAT-050 was issued to the parties on 16 August 2010.

3. On 27 August 2010, Ishak wrote to the Registrar of the Appeals Tribunal expressing surprise that the Appeals Tribunal had found his appeal time-barred, as he had been granted an extension of time to file his appeal to 16 February 2010 and he had filed his appeal on that date.

Considerations

4. The review of the e-mail correspondence between the Registry and Ishak confirms that the Registry informed Ishak that the time limit to file his appeal was extended to 16 February 2010. As recorded in paragraph 7 of the Judgment, Ishak filed his appeal on 16 February 2010. Accordingly, the appeal was receivable under Article 7 of the Statute of the Appeals Tribunal.

5. Article 26 of the Rules of Procedure of the Appeals Tribunal provides that “[c]lerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form”. It is necessary to correct the Judgment to reflect that Ishak's appeal was receivable. Given that this Tribunal considered the merits of the appeal in the Judgment, the correction does not alter the outcome of the appeal.

Judgment

6. The Appeals Tribunal makes the following corrections to Judgment No. 2010-UNAT-050. Paragraph 2 of the Judgment is deleted and replaced with the following sentence: “We agree with the UNDT that it had no jurisdiction to hear this matter. The appeal is dismissed in its entirety.”

7. Paragraph 7 of the Judgment is deleted and replaced with the following paragraph:

Ishak received the English translation of Judgment No. UNDT/2009/042 on 23 December 2009. After receiving an extension of the time limit to file his appeal to 16 February 2010, Ishak filed an appeal and a “Request for Oral Hearing and Leave to File Further Allegations of Malfeasance by the Registrar of the Geneva UNDT” on 16 February 2010. The appeal was sent to the Secretary-General on 22 February 2010, and the Secretary-General filed an answer to the appeal on 7 April 2010.

8. Paragraph 20 of the Judgment is deleted and replaced with the following paragraph: “The Appeals Tribunal rejects the Secretary-General’s submission that the appeal is time-barred and not receivable. Ishak was granted an extension of time to file an appeal to 16 February 2010 and he filed his appeal on that date.”

9. Paragraph 21 of the Judgment is amended by replacing the words “In any event, this” with “This”.

10. Paragraph 27 of the Judgment is deleted and replaced with the following sentence: “The Appeals Tribunal dismisses the appeal and affirms the decision of the UNDT.”

Dated this 29th day of September 2010 in Ontario, Canada; Buenos Aires, Argentina; and Paris, France.

Original: English

(Signed)

Judge Boyko, Presiding

(Signed)

Judge Weinberg de Roca

(Signed)

Judge Courtial

Entered in the Register on this 29th day of September 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar
United Nations Appeals Tribunal