



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

Judgment No. 2013-UNAT-320

**Masri
(Applicant)**

v.

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

JUDGMENT ON APPLICATION FOR REVISION

Before:	Judge Luis María Simón, Presiding Judge Mary Faherty Judge Jean Courtial
Case No.:	2012-290
Date:	28 March 2013
Registrar:	Weicheng Lin

Counsel for Applicant:	Edwin P. Nhliziyo
Counsel for Respondent:	John Stompor

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an application for revision of Judgment No. 2011-UNAT-163 (Judgment on application for revision) and Judgment No. 2010-UNAT-098 (underlying Judgment), issued by the Appeals Tribunal in the case of *Masri v. Secretary-General of the United Nations* on 2 December 2011 and 29 December 2010, respectively. Mr. Abdul Karim Masri filed his application for revision on 9 January 2012, and the Secretary-General filed his comments on 8 March 2012.

Facts and Procedure

2. On 29 December 2010, the Appeals Tribunal issued Judgment No. 2010-UNAT-098 in the case of *Masri v. Secretary-General of the United Nations*. In its Judgment, the Appeals Tribunal reversed Judgment No. UNDT/2010/056 of the United Nations Dispute Tribunal and affirmed the impugned decision to summarily dismiss Mr. Masri.

3. On 11 April 2011, Mr. Masri filed an application for revision of Judgment No. 2010-UNAT-098 on the basis that the appeal originally filed by the Secretary-General was not filed in accordance with Article 7(1) of the Statute of the Appeals Tribunal, and that the issues that resulted in his summary dismissal were incorrectly interpreted. The Appeals Tribunal rejected the application in Judgment No. 2011-UNAT-163.

4. On 9 January 2012, Mr. Masri requested revision of Judgment No. 2011-UNAT-163 as well as the underlying Judgment, on the grounds that he identified decisive facts previously unknown to him and the Appeals Tribunal. The Secretary-General submits that Mr. Masri has failed to establish any decisive fact warranting revision of the Judgments.

Considerations

5. The Appeals Tribunal readily dismisses Mr. Masri's application. Under Article 11 of the Statute and Article 24 of the Rules of Procedure of the Appeals Tribunal, an application for revision of judgment is only receivable if made within one year of the judgment. The underlying Judgment was issued on 29 December 2010, and Mr. Masri filed his application for revision on 9 January 2012. His application is therefore time-barred.

6. The Statute and Rules of Procedure of the Appeals Tribunal do not provide for revision of a judgment on revision. In fact, the underlying rationale of the aforementioned provisions is the finality of judgments. To allow an application for revision of a "judgment on revision of

judgment” would defeat the purpose of the one-year time limit. Mr. Masri’s application is not receivable.

Judgment

7. The application for revision is dismissed.

Original and Authoritative Version: English

Dated this 28th day of March 2013 in New York, United States and Paris, France.

(Signed)

(Signed)

(Signed)

Judge Simón, Presiding

Judge Faherty

Judge Courtial

Entered in the Register on this 19th day of April 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar