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

Judgment No. 2022-UNAT-1288

**Ashraf Ismail abed allah Zaqqout**

**(Applicant)**

**v.**

**Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East**

**(Respondent)**

**JUDGMENT ON APPLICATIONS FOR CORRECTION AND REVISION**

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| Before: | Judge Graeme Colgan, Presiding<br>Judge Dimitrios Raikos<br>Judge Martha Halfeld |
| Case Nos.: | 2021-1619 & 2021-1630 |
| Date of Decision: | 28 October 2022 |
| Date of Publication: | 15 December 2022 |
| Registrar: | Juliet Johnson |

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| Counsel for Applicant: | Self-represented |
| Counsel for Respondent: | Hannah Tonkin |

**JUDGE GRAEME COLGAN, PRESIDING.**

1. Ashraf Ismail abed allah Zaqqout has filed applications for correction (case no. 2021-1619) and revision (case no. 2021-1630) of Judgment No. 2020-UNAT-1055 which the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) issued on 30 October 2020 (what we will call "the UNAT 2020 Judgment").

2. The UNAT 2020 Judgment dismissed Mr. Zaqqout's appeal from a Judgment of the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA or Agency, respectively) concerning, essentially, the Commissioner-General's decisions about extension and non-renewal of Mr. Zaqqout's limited duration contract (LDC) as a social worker with the Agency. In its 2020 Judgment, the UNAT concluded that the UNRWA DT had not erred in upholding the Commissioner-General's decisions which culminated in Mr. Zaqqout not being employed further by UNRWA. He now contends that the UNAT made mistakes in its 2020 Judgment and that these require correction. In his separate application for revision of that 2020 Judgment, Mr. Zaqqout also asserts that new evidence has come to light that should be taken into account by the UNAT and will be decisive in reversing the result of its 2020 Judgment. For the reasons set out below, we dismiss both applications. Judgment No. 2020-UNAT-1055 stands unmodified.

## Facts and Procedure

3. Because this is the latest in a series of Judgments issued by the UNAT in Mr. Zaqqout's litigation the predecessors to which already set out the background events, we will not repeat those in this Judgment. They can be found in Judgments Nos. 2020-UNAT-1055 and 2021-UNAT-1152. We will, however, describe briefly what has occurred that is not covered by these Judgments.

4. On 5 October 2021, that is shortly before the Fall 2021 Session of the UNAT at which Mr. Zaqqout's first application for revision was considered, he filed his application for correction of errors (case no. 2021-1619). The Commissioner-General filed his comments opposing that application on 13 November 2021.

5. On 18 November 2021, Mr. Zaqqout filed his application for revision of the 2020 Judgment (case no. 2021-1630). On 4 January 2022 the Commissioner-General filed his comments on that application, opposing it.

## Submissions

### Mr. Zaqqout's Application for Correction (case no. 2021-1619)

6. Mr. Zaqqout submits that there are errors of fact in paragraphs 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16, 17,19, 20,21,22, 28, 31, 32 and 33 of this Judgment.

7. As to errors contended for in paragraph 1 of the Judgment; he says that i) he did not contest the 27 June 2018 decision and therefore this is not the first contested decision as described in the Judgment; ii) the first contested decision was a decision communicated to him on 25 July 2018 decision, which extended his contract until 31 August 2018; iii) the second contested decision was the 25 July 2018 decision, which converted other psychological and social workers' limited-duration to fixed-term contracts but not his; and iv) the third contested decision was taken in November 2018, which extended his contract until 1 December 2018.

8. Mr. Zaqqout says that the Appeals Tribunal erred in paragraph 3 because he did not have a reasonable amount of time to read and respond to the Commissioner-General's reply to the UNRWA DT. It appears that he objects to the following statement in the Judgment: "On numerous occasions, Mr. Zaqqout was allowed extensions of time to file documents."

9. The Appeals Tribunal erred in law in paragraph 4 by denying his motions for an oral hearing and for disclosure of additional documents.

10. The Appeals Tribunal erred in paragraphs 7 and 8. It was not a financial crisis that affected his employment as there was additional financial pledge which helped overcome a financial deficit. While many UNRWA staff members were rehired, he was not. Therefore, it was UNRWA's abuse of power that impacted his employment.

11. The Appeals Tribunal erred in paragraphs 11 and 12. The Appeals Tribunal's statement that the decisions to extend his contract for one month were favourable to him is erroneous because those decisions to extend also confirmed the decision to terminate his service.

12. The Appeals Tribunal erred in paragraphs 2, 6, 14, 19, 20, 28, 31 and 33 of its Judgment. The Agency expressly promised to convert his LDC to a fixed-term contract and thus he had an expectancy of renewal.

13. The Appeals Tribunal erred in paragraphs 2, 9, 14, 16, 17, 22, 31 and 32 of its Judgment, because the 22 November 2018 decision was not in his favour. It was motivated by bad faith and marred by procedural error or errors of law.

14. The Appeals Tribunal erred in paragraph 31, because the Agency has acknowledged that the 22 November 2018 decision was pursuant to the 23 August 2018 request, that is to say, for review of the 27 June 2018 decision of the Director of Human Resources. Contrary to the statement in paragraph 31 that "his appeal on this ground of chronological error cannot succeed", his appeal on the basis of a chronological error can therefore succeed.

15. The Appeals Tribunal erred in paragraph 32 in which it stated that several decisions to extend his contract from 1 July advantaged him by adding six months to his last contract. The decisions were not in his favour.

16. The Appeals Tribunal erred in paragraph 33. UNRWA declared its financial crisis to be over and therefore the reason for the contested decision (i.e., financial deficit) is invalid and not supported by evidence.

17. The Appeals Tribunal erred in paragraphs 21 and 22 when it concluded that the issues related to grade, band and step were outside the scope of the review since a change of category, grade or step may be requested at the time of extension or renewal of his LDC and he indeed addressed this issue in the request for review.

18. The Appeals Tribunal failed to address his second request to extend the appeal deadline, causing serious harm to him. The Appeals Tribunal also failed to rule that the 25 July 2018 decision was a disguised disciplinary action.

**The Commissioner-General's Comments**

19. The Commissioner-General submits that Mr. Zaqqout's application for correction of judgment should be dismissed. Applications for correction of judgments of the Appeals Tribunal are governed by Article 11(2) of the Appeals Tribunal Statute (Statute) and Article 26 of the Rules of Procedure which provide that clerical or arithmetical mistakes, or errors arising therein from an accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own motion or on the application of any of the parties. Mr. Zaqqout has not demonstrated clerical or arithmetical mistakes or errors arising from any

accidental slip or omission. The grounds advanced by him - alleged errors of fact in the judgment - are in the nature of an appeal and do not fall within the purview of Article 11(2) of the Statute.

20. The instant application is patently without merit, frivolous and vexatious and constitutes an abuse of process for which the Commissioner-General requests an award of costs against Mr. Zaqqout pursuant to Article 9(2) of the Statute of this Tribunal. The application for correction of this Tribunal's Judgment spans some 41 voluminous annexes. Considering the unnecessary and attendant waste of resources, this is a proper case for an award of costs against Mr. Zaqqout. The Commissioner-General requests an award of USD 5,000.

**Mr. Zaqqout's Application for Revision (case no. 2021-1630)**

21. Mr. Zaqqout submits that there are five decisive facts that were, at the time the 2020 Judgment was rendered, unknown to the Appeals Tribunal and to him.

22. The first is a list of the names of 284 Gaza Field Office staff, including Mr. Zaqqout's, with LDCs classified, he says, as "Category A". These staff were guaranteed the continued extension of LDCs and the conversion of their contracts to fixed-term contracts as of 1 January 2019. He says that on 8 November 2021, he received an e-mail with an attached Excel file containing the list of all 284 LDC staff members. This shows that the contested decisions were taken arbitrarily or capriciously or were motivated by prejudice or other extraneous factors. Alternatively, they constituted a procedural flaw or an error of law because, under the agreement, his contract was supposed to be extended and converted to a fixed-term contract as of 1 January 2019. Therefore, the contested decision not to extend his contract on the pretext of financial crisis was unlawful.

23. The second evidential fact that Mr. Zaqqout wishes us to consider is a documentary film featuring a former UNRWA Commissioner-General dated 18 December 2020, who stated that he had given the Director of Operations in Gaza the authority to terminate service and lay off 118 employees owing to the 2018 financial crisis. Mr. Zaqqout says that there had been inconsistencies in the Commissioner-General's submissions in describing the number of staff separated which ranged from 113 to 129. He says that if the number of separated staff members was 129, that means that the Director of Operations in Gaza terminated more staff members than authorized by the Commissioner-General. If the number was 113 as stated in the Judgment, this

documentary film shows that the number was incorrect. Mr. Zaqqout says that he had become aware of the documentary when he conducted a Google search on 15 October 2021.

24. The other evidence he proposes be taken into account are the 25 July 2018 termination letters issued to two other staff members and a settlement agreement signed by another staff member, which he says he obtained in October-November 2021. He says that termination letters issued to other staff members mention "post abolition" whereas his termination letter only refers to the "termination of service", but not post abolition. He argues that this means that his contract should not have been subject to the Commissioner-General's decision to terminate contracts and abolish posts due to a financial crisis. He also says that all the other separated staff members signed settlement agreements whereas he was not presented with one, and that this is further evidence that his contract was not subject to the Commissioner-General's decision to terminate contracts and abolish posts.

**The Commissioner-General's Comments**

25. This Tribunal has already considered Mr. Zaqqout's request for revision of Judgment No. 2020-UNAT-1055 and to that effect issued Judgment No. 2021-UNAT-1152 dated 29 October 2021. As appropriately titled by him, the instant application is the "second application for revision" of Judgment No. 2020-UNAT-1055. Considering that judgments of the Appeals Tribunal are final and not subject to appeal except under Article 11 of its Statute relating to proceedings for revision and correction of material errors, no appeal against *res judicata* is admissible. It remains therefore that the second application for revision of Judgment No. 2020-UNAT-1055 is inadmissible in the absence of an enabling provision permitting the filing of "second applications for revision" following the unsuccessful attempt at revision of the same judgment.

26. In the alternative, should this Tribunal find the "second application for revision" nevertheless admissible, the application does not fulfil the strict and exceptional criteria established under Article 11 of its Statute, constitutes an abuse of the appeals process and should be dismissed.

27. Regarding the first allegedly decisive fact, Mr. Zaqqout does not state when he obtained this information, and presenting this evidence is an attempt at re-litigation, which is not permissible at this stage.

28. Regarding the second allegedly decisive fact (i.e., the number of staff separated), Mr. Zaqqout raised this issue in his first application for revision of judgment and the Appeals Tribunal already decided that this was not decisive.

29. The third, fourth, and fifth facts are not decisive to the issues of the case and Mr. Zaqqout merely attempts to relitigate the issues already determined by the Tribunals. This Tribunal stated in *Maghari*[1] that "an application for revision is not a substitute for appeal; and no party may seek revision of a judgment merely because the party is dissatisfied with the pronouncement of the Tribunal and 'wants to have a second round of litigation'. A revision of a final judgment is an exceptional procedure and not an additional opportunity for a party to re-litigate arguments that failed at trial or on appeal".

30. The instant application, being the second request for revision of judgment, is patently without merit, frivolous and vexatious and constitutes an abuse of process pursuant to Article 9(2) of the Statute, for which the Commissioner-General requests an award of costs in the amount of USD 9,600, the costs for appeals.

## Considerations

31. This is the second application for revision of the UNAT 2020 Judgment that Mr. Zaqqout has made. Accordingly, we do not propose to canvass again the background leading to the 2020 Judgment which is summarised at the start of our 2021 Judgment.[2] Mr. Zaqqout's application for correction of error relates only to the UNAT 2020 Judgment.

*The grounds for both applications*

32. We begin by setting out the statutory grounds Mr. Zaqqout must establish in each of his applications. Article 11 of the Statute addresses both questions as follows:

> 1. Subject to article 2 of the present statute, either party may apply to the Appeals Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such

[1] *Maghari v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2013-UNAT-392, para. 19.
[2] *Zaqqout v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2021-UNAT-1152.

> ignorance was not due to negligence. The application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.
>
> 2. Clerical or arithmetical mistakes, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own motion or on the application of any of the parties.
>
> …

33. In respect of Mr. Zaqqout's application for revision of the Judgment, he must establish, cumulatively, each of four requirements: first, that the fact or facts he wishes us to consider was or were unknown to him and to the Tribunal at the time the original judgment was rendered; second, that his prior ignorance of this fact or these facts was not due to his negligence; third, that the fact or facts will be decisive of his appeal, that is that they will persuade the Tribunal to change its earlier decision to one in his favour. Fourth and finally, there are also time limitations with which Mr. Zaqqout must comply in making this application.

34. In respect of his application to correct errors in the 2020 Judgment Mr. Zaqqout must establish that the Judgment contains an error or errors. The errors which may be corrected are clerical or typographical or similar errors or inadvertent slips. This is not, however, a general right of appeal or judicial review. There is no time limit within which such an application must be made.

*The application to correct errors*

35. We address the application for error correction first. Although as we have noted already, there is no statutory time limit within which an applicant must apply for correction of an error, to do so is the exercise of a discretion and undue delay in making an application is a factor in the exercise of that discretion. It is noticeable that Mr. Zaqqout delayed for almost a year after the UNAT's 2020 Judgment was rendered before applying to the UNAT to correct what he contends are errors in it. There is no explanation for this delay and the errors contended for do not appear to depend upon the acceptance of either of his revision applications and their outcomes.

36. The second point to be made is that although the UNAT is able to and will acknowledge typographical and like errors, omissions, and slips in its judgments, doing so will not necessarily change the result in the case unless the error, as corrected, was so significant that the original outcome cannot stand. The UNAT's error correction powers are limited to the sorts of errors exemplified in Article 11(2), clerical or arithmetical mistakes, or accidental slips. While this is not

a closed category of the sorts of errors that may be corrected, the list exemplifies the relatively narrow range of inadvertent errors and guides the Tribunal in determining such applications.

37. It is no exaggeration to say that Mr. Zaqqout alleges that almost every page of the 2020 Judgment contains an error and in many cases, multiple errors.[3] Although not impossible, it is inherently unlikely that this is so and tends to indicate that Mr. Zaqqout, rather than identifying the sorts of errors Article 11 specifies, has instead sought to bring a collateral challenge to the Appeals Tribunal's conclusions with which he disagrees. We have, nevertheless, examined each of those alleged errors identified by Mr. Zaqqout.

38. Having considered all the numerous and detailed submissions made by Mr. Zaqqout alleging errors in the 2020 Judgment, we are not satisfied that any mistakes are in the nature of those intended to be covered by Article 11(2). His criticisms are not of slips or the like but are rather attempts to re-litigate his case by both asserting that the UNAT reached wrong conclusions and by attempting to persuade the Tribunal to different interpretations of the facts, but which are untenable or simply speculative. This analysis, combined with the unexplained and significant delay in applying to correct alleged errors means that this application (in case no. 2021-1619) must be and is dismissed.

*The application for revision*

39. We turn now to the application for revision (case no. 2021-1630) and the four cumulative factors which Mr. Zaqqout must establish, but the absence of even one of which will be fatal to his application. As we have already noted, in 2021 the UNAT rejected a similar application by Mr. Zaqqout yet is now, a year later, faced with another. Also relevant is the fact that the revision is of the 2020 Judgment and the statutory tests must be applicable to that Judgment and when it was rendered.

40. We deal first with the Commissioner-General's submission that Mr. Zaqqout has exhausted what the Commissioner-General contended was Mr. Zaqqout's single right to apply for revision of the 2020 UNAT Judgment. Although the Commissioner-General did not rely expressly on authority but rather stated what he says should be the applicable principle, there is a case that may be instructive, *Masri*.[4] In that case the UNAT dismissed summarily an application for

[3] See para. 6 above.
[4] *Masri v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-320.

revision of a judgment on revision of an original judgment on appeal saying that there was no provision for such an application under the UNAT's Statute and one should not be allowed to be brought.

41. By the same token, however, neither does the Statute either confine a litigant to only one such application or prohibit a second application for revision. There is a distinction between the cases. In *Masri,* the application was for revision of a revisionary judgment but also of the original or underlying judgment. In respect of this earlier substantive appellate judgment, Mr. Masri was out of time, that is his revision application was made more than one year after that judgment was issued. It therefore failed jurisdictionally for that reason. In this case, Mr. Zaqqout's application is a second one for revision of the original judgment on appeal, not of the previous revisionary judgment. He filed the application for revision currently under consideration less than a year after the underlying judgment had been issued to him. He was therefore within time, although such was the pace at which his first application for revision was dealt with, combined with the lateness of interlocutory matters requiring adjudication in the current case, that the two applications could not be heard and decided together. The Statute is similarly silent about this situation.

42. Following the jurisprudence of the UNAT in *Masri*, Mr. Zaqqout is disqualified from bringing this second application. Even at best for Mr. Zaqqout, the circumstances in which a second or subsequent such application will be allowed will be rare and the circumstances in which the Appeals Tribunal might allow it, exceptional. It is, nevertheless, possible that after a first revision application has been decided, further earlier relevant but concealed information comes to light which may be decisive of the original case. There is no statutory restriction upon the number of such applications, although the time limits on making them and the other tests to be passed before a revision can take place will, in most cases, make this a difficult exercise for someone in Mr. Zaqqout's position. Mr. Zaqqout's case does not meet that test of being exceptional even if the *Masri* precedent is inapplicable to his case.

43. Even if we were to find that the position is otherwise, however, Mr. Zaqqout is unsuccessful on the merits which we will now confirm.

44. First, there is the temporal requirement under Article 11(1), that his application must have been made within the period of 30 days following the discovery by Mr. Zaqqout of each of the facts that he wishes us to consider. This is a more complex exercise because it requires

an examination of each of the different facts that Mr. Zaqqout now wishes to introduce and when each came to his notice.

45. We do not accept the Respondent's first argument that Mr. Zaqqout has not identified when the first fact on which he relies came to his notice. Although the e-mail has not been put before us (a matter on which we will comment subsequently), he says it came to his notice first in that form on 8 November 2021. The 2020 Judgment is dated 30 October 2020 but was entered into the Appeals Tribunal's Register of judgments on 8 December 2020. The Registry's records show that the 2020 Judgment was sent to Mr. Zaqqout in late January 2021. His application for revision was filed on 18 November 2021, so that his claims fall within the time limitations set out in Article 11(1).

46. Regarding the first allegedly decisive fact (which we have summarised in paragraph 22 of this Judgment), Mr. Zaqqout asserts that the e-mail containing the evidence that he wishes to introduce came to him on 8 November 2021. He thus satisfies this temporal element of that fact for revision.

47. The evidence adduced by Mr. Zaqqout does not, however, appear to support his contentions about the justification for the termination of his employment, or even tally with his factual summary of the document. Annex 3 attached to his application is a list of names of staff including the 284 contended for by Mr. Zaqqout. Those names are grouped by occupation and listed in columns which describe their staff numbers, names, departments, start dates, "Cont Ends", and descriptions of their positions.[5] Mr. Zaqqout is listed among the "Social Workers" with the "RSSP Department" of UNRWA having a start date of 01.07.16 and a "Cont End" date of 30.06.17. We note that all of the approximately 83 Social Workers so listed, all had the same "Cont End" dates of 30.06.17 and there is little if anything to differentiate between them. Importantly, the lists of names do not contain any indication as Mr. Zaqqout infers in his application. There is no reference, express or inferred, that some of those staff were to have their LDCs extended to 31 January 2019 as Mr. Zaqqout claims.

48. The first new fact that Mr. Zaqqout says should now be considered is that list including the names of 284 Gaza Field Office staff with limited-duration contracts classified as "Category A" who, he says, were guaranteed the continued extension of limited-duration contracts and the conversion of their contracts to fixed-term contracts as of 1 January 2019. He says this

[5] We infer that "Cont End" refers to the end date of an LCD.

e-mail first came to his notice on 8 November 2021 and had attached to it an Excel file containing a list of all 284 limited-duration contract staff members. Mr. Zaqqout says that, if admitted into evidence, this will show that the contested decisions were taken arbitrarily or capriciously or were motivated by prejudice or other extraneous factors or followed a procedural flaw or an error of law. He says that is so because under the agreement, his contract was supposed to be extended and converted to a fixed-term contract as of 1 January 2019. Therefore, the contested decision not to extend his contract on the pretext of financial crisis was unlawful.

49. It is simply not possible to infer, as Mr. Zaqqout puts forward, that this list of staff names establishes that decisions taken concerning him were arbitrary, capricious or prejudiced, that he was intended to have had his LDC extended as of 1 January 2019 and that the Respondent's failure to do so was unlawful. The evidence presented by Mr. Zaqqout in this respect falls short of being probative, let alone decisive of his case as the Statute requires if it is to be admitted and considered.

50. Regarding the second allegedly decisive fact (the number of staff separated), Mr. Zaqqout raised this issue in his first application for revision of judgment and the Appeals Tribunal has already decided that this was not decisive. Unless Mr. Zaqqout can establish that this second exposure of the fact adds anything to the first, his application in this respect will amount to an impermissible attempt to relitigate a point already decided. We are satisfied that Mr. Zaqqout has not been able to meet this threshold for the revision of the Judgment.

51. The next new fact is said to be a documentary film featuring a former UNRWA Commissioner-General dated 18 December 2020, who stated that he had given the Director of Operations in Gaza the authority to terminate service and lay off 118 employees owing to the 2018 financial crisis. Mr. Zaqqout says that there had been inconsistencies in the Commissioner-General's submissions in describing the number of staff separated which ranged from 113 to 129. He says that if the number of separated staff members was 129, that means that the Director of Operations in Gaza terminated more staff members than authorized by the Commissioner-General. If the number was 113 as stated in the Judgment, this documentary film shows that the number was incorrect.

52. Finally, other evidence Mr. Zaqqout presents are 25 July 2018 termination letters issued to two other staff members and a settlement agreement signed by another staff member, which he says he obtained in October-November 2021. He says that termination letters issued to other staff members mention their "post abolition" whereas his termination letter only refers to "termination of service", but not to post abolition. He argues that this means that his contract should not have been subject to the Commissioner-General's decision to terminate contracts and abolish posts due to financial crisis. He also says that all the separated staff members signed settlement agreements whereas he was not presented with one and that this is further evidence that his contract was not subject to the Commissioner-General's decision to terminate contracts and abolish posts.

53. Despite Mr. Zaqqout's final new fact(s) raising questions about whether he was treated differently from other staff, his case does not establish that even if he was so treated, this would have been a decisive fact warranting a change to the outcome of the 2020 Judgment.

54. The third, fourth, and fifth facts are not decisive to the issues of the case and by them Mr. Zaqqout merely attempts to relitigate the issues already determined by the Tribunals. This Tribunal stated in *Maghari* that "an application for revision is not a substitute for appeal; and no party may seek revision of a judgment merely because the party is dissatisfied with the pronouncement of the Tribunal and 'wants to have a second round of litigation'. A revision of a final judgment is an exceptional procedure and not an additional opportunity for a party to re-litigate arguments that failed at trial or on appeal".[6] These facts are not admissible upon a revision. The application for revision also fails.

*Costs*

55. The Commissioner-General claims an award of costs against Mr. Zaqqout in view of his unsuccessful track record in this litigation, but more particularly because of the hopelessness of his claims and the significant cost that has been incurred by UNRWA in defending Mr. Zaqqout's repeated appeals and applications. Without doubting the sincerity of his belief in the righteousness of his cause, we do conclude that, well and properly advised as he was entitled to have been by the UNRWA Legal Office for Staff Assistance, Mr. Zaqqout ought not to have brought the applications he has now, twice. There must be an end to litigation and while statutory provisions exist to enable meritorious cases to be corrected and reviewed, that is not how Mr. Zaqqout has used these

[6] *Maghari op. cit.,* para. 19 (internal footnotes omitted).

provisions, and particularly most recently. Although the UNAT is usually reluctant to make costs' awards against unsuccessful litigants, the power to do so exists and should be a factor in litigants' decision-making as regards applications such as this. Additionally, staff of UNRWA have, at no cost to themselves, their own legal advice which we commend them to seek and be guided by.

56. With respect to the application for revision, the Commissioner-General seeks a costs' award of USD 9,600 which is part of the cost to UNRWA of litigating that application by Mr. Zaqqout. It is part only because in addition to paying that sum to the UNAT to enable Mr. Zaqqout have his case heard, the Commissioner-General's opposition to it is an additional cost to the Organisation. In addition, UNRWA seeks costs in the amount of USD 5,000 with respect to the application for correction.

57. Although costs' awards are rarely made by the UNAT and then only in extreme cases, Mr. Zaqqout's risks approaching that rare degree of extremity. We have deliberated carefully about whether to order him to reimburse UNRWA for its most recent costs. The interests of justice usually require that a party should be warned of such a possibility and thereby be aware of it. Mr. Zaqqout is unrepresented and so may not be aware of the real possibility of a significant costs' award against him as may a litigant represented by counsel. By a narrow margin, we have decided instead to warn Mr. Zaqqout (and thereby others who may be in a similar position) that any further manifestly unmeritorious related proceedings will likely result in an award of costs against him.

## Judgment

58. Mr. Zaqqout's applications for correction and revision of Judgment No. 2020-UNAT-1055 are dismissed.

Original and Authoritative Version: English

Decision dated this 28th day of October 2022 in New York, United States.

| *(Signed)* | *(Signed)* | *(Signed)* |
|---|---|---|
| Judge Colgan, Presiding | Judge Raikos | Judge Halfeld |

Judgment published and entered into the Register on this 15th day of December 2022 in New York, United States.

*(Signed)*

Juliet Johnson, Registrar