



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1679

Respondent

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 451 (2022)

1. On 19 March 2021, the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) rendered Judgment No. 2021-UNAT-1097 in the case of *Respondent v. Secretary-General of the United Nations* (the Judgment), in which the Appeals Tribunal affirmed the United Nations Dispute Tribunal judgment rescinding the administrative decision to not renew the Respondent's fixed-term appointment and awarding compensation. The Appeals Tribunal denied the Respondent's request for increased compensation.

2. On 28 March 2022, the Respondent filed an Application for Revision of the Judgment. He says the decisive fact that, at the time the Judgment was rendered, was unknown is that "there was merit, and the respondent has been and is severely harmed by the decision", and that "compensation for harm is now supported by the harm itself, the illegality, and a nexus between them". Further, he says the Appeals Tribunal knew he was self-represented and in severe mental state of decline. He was unable to adequately self-represent himself in the proceedings.

3. Article 24 of the Appeals Tribunal Rules of Procedure (the Rules) provides:

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application

for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement. The brief that accompanies the application for revision and the comments thereon shall not exceed five pages.

4. In this instance, the Application for Revision has been filed more than one year after the date of the Judgment.

5. On 6 April 2022, the Respondent filed a Request for a Suspension, Waiver or Extension of Time Limit to Appeal but for the purpose of filing his Application for Revision of the Judgment beyond the one-year time limit. He says the exceptional reason justifying his application is that, since early 2018 to present, he is severely harmed mentally by the decision and proceedings. He is self-represented and in mental state of decline and it is impossible for him to adequately represent himself. Further, he was required by law to join the “Military Service” which “curtailed” his freedom of communication and hindered his freedom to submit an application for revision earlier. He provides annexes in support.

6. Article 30 of the Rules provide that “Subject to article 7.4 of the statute of the Appeals Tribunal, the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require”.

7. The request for suspension, waiver or extension of time limit is denied. The Appeals Tribunal has consistently held that it strictly enforces the various time limits under its Statute and Rules.¹

8. In the present case, the circumstances are not exceptional, and the interest of justice does not require the extension of time requested. The Appeals Tribunal has issued a final Judgment on the matter. The Respondent may have been self-represented and in difficult mental circumstances or in military service. However, he could have sought representation to assist him and does not explain why or how he was prevented from doing so for more than one year. In any event, this alone is not sufficient to justify an application to revise a final judgment more than one year from its issuance. Further, the Respondent

¹ *Chandran v. Secretary-General of the United Nations*, Order No. 232 (2015), citing *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, para. 21. See also *Ocoru v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-604, paras. 39 and 40 (and authorities cited therein).

has not raised a persuasive decisive fact that could potentially lead to a revision. These circumstances do not justify such an extraordinary waiver of statutory time limits.

IT IS HEREBY ORDERED that the request for waiver of time limit is **DENIED**.

Original and Authoritative Version: English

Dated this 12th day of April 2022
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
Judge

Entered in the Register on this 13th day
of April 2022 in New York, United States.

(Signed)
Weicheng Lin, Registrar