



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1333

Sambala Diallo

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 515 (2023)

1. On 10 April 2023, the Registrar of the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) rejected Mr. Sambala Diallo's e-mail submissions as manifestly inadmissible, pursuant to Section I.F of Practice Direction No. 1.
2. By way of background, on 29 July 2020, the UNAT issued Judgment No. 2020-UNAT-1026 in the case of *Diallo v. Secretary-General of the United Nations*. The panel constituted for Case No. 2019-1333 was Judge Graeme Colgan, Judge Jean-François Neven, and Judge Kanwaldeep Sandhu. However, when Judgment No. 2020-UNAT-1026 was issued, Judge Dimitrios Raikos' name was mistakenly included in the signature block instead of Judge Sandhu's name.
3. Within a week, on 5 August 2020, the Appeals Tribunal corrected the signature block to replace Judge Raikos' name with Judge Sandhu's name. The Registry issued the corrected Judgment No. 2020-UNAT-1026/Corr. 1 (the Judgment). The Registry provided timely notification of same to Mr. Diallo.
4. From 2020 to 24 March 2023, Mr. Diallo submitted five e-mails (01/09/2020, 19/10/2020, 07/01/2021, 03/02/2021 and 24/03/2023) to the Appeals Tribunal requesting the nullification or invalidation of the Judgment due to the error in the signature block of Judgment No. 2020-UNAT-1026.

5. On 28 March 2023, the Registry sent an e-mail to Mr. Diallo to inform him that Judgment No. 2020-UNAT-1026 was already corrected and that there was no basis for any further action.

6. On 28 and 29 March 2023, Mr. Diallo sent three e-mails to the Registry stating that the corrigendum issued was illegal as the error was not a typographical one but rather an error of law. He requested the Appeals Tribunal to take action to restore his rights violated during the appeal process.

7. On 10 April 2023, the Registrar issued a formal letter rejecting Mr. Diallo's e-mail submissions as manifestly inadmissible in accordance with Section I.F of Practice Direction No. 1.

8. On 13 April 2023, Mr. Diallo filed his objection to the Registrar's decision of 10 April 2023 to reject his e-mail submissions as manifestly inadmissible. He requests the nullification or invalidation of the Judgment.

9. Mr. Diallo submits that the Registrar exceeded its jurisdiction by unilaterally rejecting his e-mail submissions. He further argues that pursuant to Article 11(2) of the UNAT Statute, the Appeals Tribunal may correct certain errors, but not the signature of a Judge on a published judgment as it attests that said Judge (in this case, Judge Raikos) was a member of the panel and participated in the hearing of the case. Further, he argues that it is irregular for both Judge Raikos and Judge Sandhu to have signed Judgment No. 2020-UNAT-1026 on the same date (26 June 2020), while one could not have participated in the hearing. Mr. Diallo submits that the error was not merely typographical as Judge Raikos' signature was attesting that he was a member of the panel and that his presence violated the universal principle of double jurisdiction.

10. Article 10(6) of the UNAT Statute provides that "judgments of the Appeals Tribunal shall be final and without appeal, subject to the provisions of Article 11 of the [...] Statute". Article 11(2) of the UNAT Statute provides that "[c]lerical 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".

11. In the present case, the Appeals Tribunal corrected a clerical or accidental mistake or error of including a judge's name and signature at the end of Judgment No. 2020-UNAT-1026 which was incorrect (i.e. Judge Raikos rather than Judge Sandhu). I note that both the original and corrected Judgments correctly indicate the name of the judges on the panel on the first page, namely Judge Sandhu and not Judge Raikos. Further, in the "List of Cases to be Considered by the United Nations Appeals Tribunal at its Forthcoming Session (Remote) from 15-26 June 2020" published to stakeholders, including parties, on 27 April 2020, the panel for this case states "GC, JFN, KS" which includes Judge Sandhu and not Judge Raikos. Therefore, the addition of Judge Raikos' name and signature at the end of Judgment No. 2020-UNAT-1026 was clearly a clerical error and it was appropriately corrected by the Appeals Tribunal on its own initiative pursuant to Article 11 of the UNAT Statute. There is no indication that Judge Raikos was "present" in any manner in the case or Judgment and therefore there is no jurisdictional error or "double jurisdiction". This was simply a matter of a clerical or accidental mistake or error in drafting.

12. Given there is a final judgment on this case and Article 11 of the UNAT Statute has applied to correct Judgment No. 2020-UNAT-1026, there is no ability for Mr. Diallo to further argue or appeal the Judgment. There is no provision in the UNAT Statute for "nullification" or "invalidation" of judgments.

13. Mr. Diallo also seems to suggest that Rule 11 of the Appeals Tribunal's Rules of Procedure were violated when the case was placed on the docket. There is no evidence that the Rule was violated.

14. The Appeals Tribunal is *functus officio* in the matter.

15. For these reasons, the request is denied and the matter is closed.

IT IS HEREBY ORDERED that Mr. Diallo’s challenge of the decision of the Registrar pursuant to Section I.F.22 of Practice Direction No. 1 is **DENIED**.

Original and Authoritative Version: English

Decision dated this 24th day of April 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
24th day of April 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar