

PROVISIONAL TRANSLATION

ADMINISTRATIVE TRIBUNAL

Judgement No. 823

Case No. 759: MUSEIBES

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

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Mikuin Leliel Balanda, Vice-President, presiding;

Ms. Deborah Taylor Ashford; Mr. Julio Barboza;

Whereas, on 20 January 1996, Hasan Mohd Museibes, a former staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as UNRWA), filed an application for a revision, under former article 12 (now article 11) of the Statute of the Tribunal, of Judgement No. 717 rendered by the Tribunal on 28 July 1995;

Whereas the Applicant in his pleadings requested the Tribunal:

"On the basis of the discovery of two periodic reports that have a decisive factor on the Tribunal's judgement, [to order] the revision of the Tribunal's judgement [No. 717] under article 12 of the Statute of the Tribunal."

Whereas the Respondent filed his answer on 27 March 1996;

Whereas the Applicant filed written observations on 20 July 1996;

Whereas the facts in the case were set out in Judgement No. 717;

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The Tribunal, having deliberated from 8 to 25 July 1997, now pronounces the following judgement:

I. The Applicant is seeking a revision of Judgement No. 717 rendered on 28 July 1995. In this judgement the Tribunal had awarded him \$2,500 as compensation. The Applicant adds several other claims against Judgement No. 717. He requests the Tribunal to increase the compensation that was granted to him, to order his reinstatement in his post and to quash certain statements made against him by the Respondent.

II. In support of his application for revision, the Applicant alleges, as a new fact, that his periodic reports of October 1990 and February 1991, respectively, were not known to him.

The Respondent requests that this application be dismissed on the ground that it does not fulfil the requirements of former article 12 (now article 11) of the Statute of the Tribunal.

III. Under the provisions of former article 12 (now article 11) of the Statute of the Tribunal, all applications for revision must fulfil specific requirements. An applicant is, for instance, required to demonstrate that neither he nor the Tribunal knew of the fact invoked.

IV. In this instance, the Tribunal notes that the Applicant was perfectly aware of the two periodic reports which he invokes in support of his application for a revision of Judgement No. 717 at the time of his previous submission to the Tribunal. As the record shows, he had an opportunity to make comments on the two reports at that time. Likewise, these documents were in the personnel file

that was submitted to the Tribunal during the proceeding which resulted in Judgement No. 717.

V. The Tribunal considers that in this instance the application does not fulfil the requirement that the fact invoked in support of the application for a revision of Judgement No. 717 must have been unknown to the Applicant and also to the Tribunal. It follows that the application should be rejected.

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VI. For these reasons, the Tribunal rejects the application.

(Signatures)

Mikuin Leliel BALANDA
Vice-President, presiding

Deborah Taylor ASHFORD
Member

Julio BARBOZA
Member

Geneva, 25 July 1997

R. Maria VICIEN-MILBURN
Secretary

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