



Administrative Tribunal

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ADMINISTRATIVE TRIBUNAL

Judgement No. 1223

Case No. 1032

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. Julio Barboza, President; Mr. Kevin Haugh, Vice-President;
Ms. Brigitte Stern;

Whereas, on 14 September 2003, former staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as UNRWA or the Agency) filed an Application in which they requested, in accordance with article 12 of the Statute of the Tribunal, the revision of Judgements No. 934, rendered by the Tribunal on 15 November 1999, and No. 1053, rendered by the Tribunal on 25 July 2002, in which the Tribunal rejected a request for revision of Judgement No. 934;

Whereas the Application contained pleas which read as follows:

“PLEAS

Applicants pray [that] the Tribunal ...:

- a. Abrogat[e] [the] foregoing [Judgement].
- b. [Order] pleas as set out in the basic [A]pplication.”

Whereas at the request of the Respondent, the President of the Tribunal granted an extension of the time limit for filing a Respondent’s answer until 29 February 2004 and once thereafter until 31 March;

Whereas the Respondent filed his Answer on 9 March 2004;

Whereas the facts in the case were set forth in Judgements No. 934 and No. 1053.

Whereas the Applicants' principal contentions are:

1. Judgements No. 934 and No. 1053 violate basic principles of law and justice, and were premised upon gross professional error.
2. Therefore, these Judgements ought to be abrogated, and the original contested decisions rescinded.

Whereas the Respondent's principal contention is that the Application is essentially an Application for revision of judgement, but that it does not comply with the requirements therefore as set out in Article 12 of the Statute of the Tribunal.

The Tribunal, having deliberated from 21 June to 22 July 2005, now pronounces the following Judgement:

I. The Tribunal notes that the Applicants' case is similar in many ways to the cases disposed of in Judgement No. 1164, *Al-Ansari et al.* (2004) and observes that, had this case been ready for hearing prior to that Judgement being rendered, it would have been consolidated with those cases and dealt with in the same Judgement, and with the same result.

II. In the instant case, as with the Applicants in Judgement No. 1164, the Applicants effectively seek to re-open the matters which were dealt with by the Board of Inquiry and seek to have the Tribunal re-examine all of the evidence and to reach different conclusions from those which it previously reached in Judgements No. 934 and No. 1053. This is not permissible under the Statute and Rules of the Tribunal for reasons fully set out in Judgement No. 1164, which need not be repeated. The Application has adduced no new fact, or advanced any new circumstance, which would justify the Tribunal in re-opening the matter or deviating from its jurisprudence in Judgement No. 1164.

III. In view of the foregoing, the Application is rejected in its entirety.

(Signatures)

Julio Barboza
President

Kevin Haugh
Vice-President

Brigitte Stern
Member

Geneva, 22 July 2005

Maritza Struyvenberg
Executive Secretary