



JUDGE MARTHA HALFELD, PRESIDING .

1. Mr. Tamer Yaser El Shaer has filed two applications, one for interpretation, and the other for execution, of Judgment No. 2019-UNAT-942 which the United Nations Appeals Tribunal (Appeals Tribunal) issued on 19 August 2019. For reasons set out below, we dismiss both applications .

Facts and Procedure

2. On 14 July 2018, Mr. El Shaer filed an application with the D

Considerations

13. In Judgment No. 2019-UNAT-942, the Appeals Tribunal upheld Mr. El Shaer's appeal against Judgment No. UNRWA/DT/2019/002, rescinded the decision to separate him from service and consequently ordered his reinstatement on similar terms and conditions of employment with effect from 19 March 2018. In accordance with its Statute, the Appeals Tribunal set an amount equal to 12 months' net base salary as compensation in lieu of the specific performance. The Appeals Tribunal also established an additional percentage of interest in case the judgment was not executed within 60 days from the date it became executable.

14. Mr. El Shaer seeks (i) interpretation of the Appeals Tribunal Judgment delivered on 19 August 2019 in respect of paragraphs 38 and 39 which he considers ambiguous and vague, and (ii) execution of the Judgment.

15. Article 11(3) and (4) of the Appeals Tribunal's Statute provides that "[e]ither party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of the judgement", and that "[w]here the judgement requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Appeals Tribunal for an order for execution of the judgement".

16. Similar provisions have been established in our Rules of Procedure:

Article 25 Interpretation of Judgements

Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of a judgement on a prescribed form. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application on a prescribed form. The Appeals Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation.

Article 27 Execution of Judgements

Where a judgement requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Appeals Tribunal for an order for execution of the judgement.

17. The section titled “Judgment” in Judgment No. 2019-UNAT-942 is reproduced below:

36. The appeal is upheld and Judgment No. UNRWA/DT/2019/002 is set aside.

37. The decision of the Agency of 19 March 2018 separating Mr. El Shaer from service is rescinded.

38. The Agency is ordered to reinstate Mr. El Shaer on similar terms and conditions of employment with effect from 19 March 2018.

39. As an alternative to the order of specific performance in paragraph 37, the Agency may elect to pay an amount of compensation equal to 12 months’ net base salary. The award of compensation shall bear interest at the United States prime rate with effect from the date this Judgment becomes executable until payment of said award. An additional five percent shall be applied to the United States prime rate 60 days from the date this Judgment becomes executable.

18. The Judgment is clear in its meaning. It is written in plain and unambiguous language, which leaves no reasonable doubt as to what it means. It requires no interpretation.

19. This Tribunal found in *Abbasi* that:²

[I]nterpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision. But if the judgment is comprehensible, whatever the opinion the parties may have about it or its reasoning, an application for interpretation is not admissible, as it happens in the present case.

20. Mr. El Shaer fails to identify any sentences or words in the Judgment that are unclear or ambiguous to justify the filing of such an application for interpretation. For the afore-mentioned reasons, Mr. El Shaer’s application for interpretation is not admissible and must be rejected.

21. Mr. El Shaer seeks execution of Judgment No. 2019-UNAT-942. However, in his comments, the Commissioner-General submits that, following the issuance of the Judgment, UNRWA elected to pay the amount of compensation in lieu, instead of rescinding the decision to separate Mr. El Shaer from service and reinstating him. Moreover, the Agency has provided evidence in the form of a letter addressed to Mr. El Shaer dated 17 October 2019.

THE

Judgment

25. The applications for interpretation and execution of judgment are dismissed in their entirety.

Original and Authoritative Version: English

Dated this 27th day of March 2020.

(Signed)

Judge Halfeld, Presiding
Bournemouth, United Kingdom

(Signed)

Judge Murphy
Cape Town, South Africa

(Signed)

Judge Raikos
Athens, Greece

Entered in the Register on this 19th day of June 2020 in New York, United States.

(Signed)

Weicheng Lin, Registrar