UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2024-UNAT-1450

Mohammad Tofazzel Hossain

(Applicant)

v.

Secretary-

Counsel for Applicant: Self-represented

Counsel for Respondent Noam Wiener

THE UNITED NATIONS APPEALS TRIBUNAL

7. Based on recommendations by DFID, a Panel of three independent experts was commissioned to conduct a capacity assessment of the ZRBF in January 2019. The Panel issued a report (Panel Report) that recommended that the Finance Unit of the PMU be restructured. [5] Various donors of ZRBF subsequently met to discuss the Panel Report and concluded that converting several internatot

the Secretary-General. Accordingly, Mr. Hossain argues that "the UNAT has denied [him] justice" and "erred in fact and law". [23]

26. Mr. Hossain submits that the UNAT failed to appreciate the Country Office management's intention to get rid of him, as was supported by a witness statement.

27. Mr. Hossain avers that the UNDT had made a balanced judgment, and that the UNDT had the opportunity to observe the body language of the parties during lengthy oral hearings. He submits that the UNDT findings were "undermined by the UN AT Honorable Judges simply by

33. The Secretary-General asserts that the goal of an application for revision is to enable a party to request reconsideration when new and decisive facts have come to light that would manifestly change the outcome of the Appeals Tribunal's deliberations. Here, Mr. Hossain has merely relitigated his arguments from the prior UNAT Judgment.

34. The Secretary-General submits that although Mr. Hossain clearly disagrees with the UNAT Judgment, pursuant to the Appeals Tribunal Judgment in Giles "no party may seek revision of a judgment merely because he or she is dissatisfied with it and wants to have a second round of litigation".[27]

35. The Secretary-General concludes that because Mr. Hossain has failed to substantiate any new, decisive fact that was unknown to him or the Appeals Tribunal at the time of the UNAT Judgment, there is no basis upon which his application for revision may be granted.

36. The Secretary-General requests that the Appeals Tribunal dismiss the application in its entirety.

Considerations

37. With respect to the application for revision of Judgment No. 2023-UNAT-1359, we first recall the legal principle emphasized in Costa that: "the authority of a final judgment - res judicata -

39. In Mohammad , we said:[29]

> [F]or an application for revision to be considered receivable, it should comply with four requirements simultaneously:
> i) the new fact discovered was unknown to the Appeals Tribunal and to the party applying for revision at the time the judgment was rendered;
> ii) such ignorance was not due to negligence of the moving party;
> iii) the new fact would have been decisive in reaching the original judgment;
> iv) the application was made within 30 calendar days of the discovery of the fact and within one year of the date of the judgment.

40. Therefore, the sole issue for consideration in this case is whether Mr. Hossain has presented a new and decisive fact that

since that time. He submits it to show that his fixed-term appointment was extended for six months. However, this was known to the UNAT when it issued its Judgment.[30]

(b) Application, annexes 10 and 11 Project Cooperation Agreements. These documents were not in the original UNAT case file; however, these agreements from 2016 would have been known to Mr. Hossain. Mr. Hossain introduces these agreements to argue that the Panel's capacity assessment work was not aligned with the DFID mandate. However, this argument was already considered and rejected by the UNAT in its Judgment.[31]

(c) Application, annex 9: Comparison between the Panel Report and HR Strategy, annex 12: Feedback-Answer. ; a 2n

goal is to litigate the case de novo as a result of counsel not agreeing with the final Judgment,

Judgment

47.