

Translated from French

UNITED NATIONS AP PEALS TRIBUNAL

Case No. 2010-034

Ms. El-Khatib

(Appellant)

v.

The Commissioner-General of the United Nations Relief and Works Agency for

Palestine Refugees in the Near East

(Respondent)

JUDGMENT ON SECOND APPLICATION FOR RECONSIDERATION

Before: Judge Jean Courtial, Presiding

Judge Mark P. Painter

Judge Luis María Simón

Judgment No.: 2010-UNAT-066

Date: 29 October 2010

Registrar: Weicheng Lin

Counsel for Appellant: Bart Willemsen

Counsel for Respondent: Thomas Markushewski

UNITED NATIONS APPEALS TRIBUNAL

Judgment No 2010-UNAT-066

Judge Jean Courtial, Presiding.

Synopsis

1. Ms. El-Khatib filed an application requesting the Appeals Tribunal to reconsider Judgment No. 2010-UNAT-029, corrected by Judgment No. 2010-UNAT-029bis, which it issued previously in a case between the Applicant and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (Commissioner-General). The Appeals Tribunal held that its judgments are final and not subject to appeal except under article 11 of the Statute relating to the procedures for revision and correction of material errors. No appeal against res judicata is admissible. Ms. El-Khatib's application is rejected.

error in accordance with article 26 of its rules of procedure, without changing the essence of its judgment.

4. On 23 August 2010, Ms. El-Khatib – presented by the Office of Staff Legal Assistance – filed an application for “reconsideration” of Judgment No. 2010-UNAT-029bis. Ms. El-Khatib argued that the Appeals Tribunal’s conclusion was not in line with the jurisprudence of the former Administrative Tribunal, according to which the relevant date for calculating time limits was not the date on which a submission was physically received by the Registry but rather the date on which it was filed. Ms. El-Khatib argued that the Appeals Tribunal should have followed the jurisprudence of the former Administrative Tribunal and that its failure to do so constituted its decision as a denial of justice.

5. Ms. El-Khatib’s application was conveyed to the Commissioner-General on 26 August 2010. The Commissioner-General filed his answer on 8 October 2010.

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9. Ms. El-Khatib's application is rejected.

Dated this 29th day of October 2010 in New York, United States.

Original: French

(Signed)

(Signed)

(Signed)

Judge Courtial, Presiding

Judge Painter

Judge Simón

Entered in the Register on this 29th day of December 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar
