



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2013-UNAT-352

**Cohen
(Applicant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT ON APPLICATION FOR REVISION

Before:	Judge Rosalyn Chapman, Presiding Judge Luis María Simón Judge Inés Weinberg de Roca
Case No.:	2012-345
Date:	21 June 2013
Registrar:	Weicheng Lin

Counsel for Applicant:	Edwin Nhliziyo
Counsel for Respondent:	Amy Wood

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9. In the alternative, the Secretary-General claims that because Ms. Cohen applied for revision on 23 July 2012, almost nine months after the Judgment was rendered and in contradiction with Article 11(1) of the Statute of the Appeals Tribunal, she is now time-barred.

Considerations

10. Article 11(1) of the Appeals Tribunal Statute (Statute) provides that:

... either party may apply to the Appeals Tribunal for a revision of a judgment on the basis of the discovery of a decisive fact which was, at the time the judgment was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgment.

Article 24 of the Rules of Procedure of the Appeals Tribunal (Rules) contains similar provisions.

11. The Statute and Rules set out the material elements which a moving party must show for revision to be granted: (1) a new fact which, at the time the judgment was rendered, was unknown to the Appeals Tribunal and the moving party; (2) such ignorance was not due to the negligence of the moving party; and (3) the new fact would have been decisive in reaching the original decision.

12. “No party may seek revision of the judgment merely because that party is dissatisfied with the pronouncement of the Tribunal and wants to have a second round of litigation.”²

13. This Tribunal has ful2 Te264(ahe momideal real d)1

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