



**JUDGE LUIS MARÍA SIMÓN**, Presiding.

### **Synopsis**

1. An application seeking a review of a final judgment rendered by the United Nations Appeals Tribunal (Appeals Tribunal) can, irrespective of its title, only succeed if it fulfils the strict and exceptional criteria established by Article 11 of the Statute of the Appeals Tribunal which refer to the discovery of a decisive fact previously unknown and not due to negligence; clerical or arithmetical mistakes; or interpretation of the judgment.
2. The application submitted by Mr. Abdul Karim Masri is considered non admissible since it repeats an argument already examined and rejected by the previous judgment and its actual goal is to litigate the case de novo, an option which is not provided to the parties by the applicable law.

### **Facts and Procedure**

3. On 29 December 2010, the Appeals Tribunal issued Judgment No. 2010-UNAT-098 in the case of *Masri v. Secretary-General of the United Nations*. In its Judgment, the Appeals Tribunal reversed the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) Judgment No. UNDT/2010/26 and affirmed the impugned administrative decision to impose the disciplinary measure of summary dismissal against Mr. Masri.
4. On 11 April 2011, Mr. Masri filed an application for revision of Judgment No. 2010-UNAT-098 on the basis that the appeal originally filed by the Secretary-General was not filed in accordance with Article 7(1) of the Statute of the





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