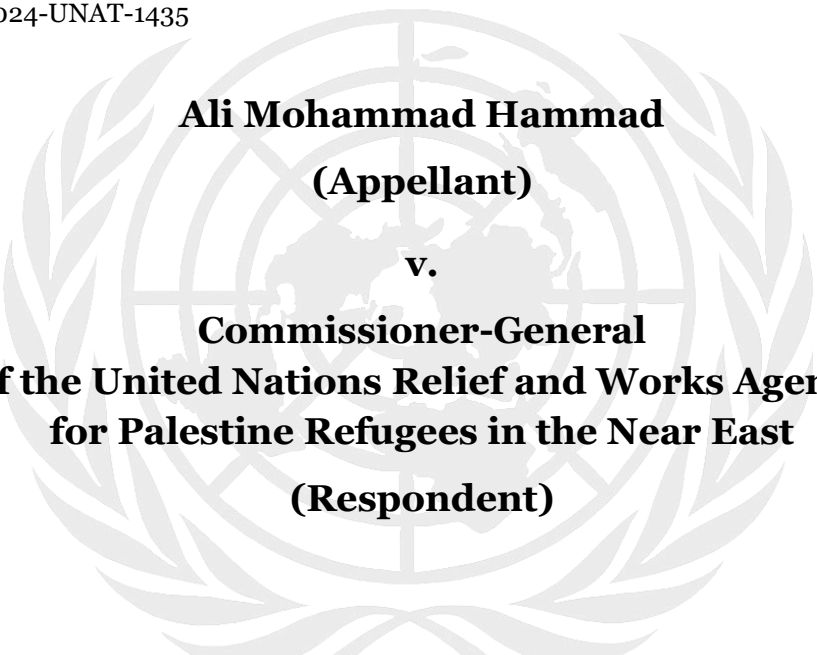




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2024-UNAT-1435



**Ali Mohammad Hammad
(Appellant)**
v.
**Commissioner-General
of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East
(Respondent)**

JUDGMENT

Before:	Judge Abdelmohsen Sheha, Presiding Judge Nassib G. Ziadé Judge Leslie F. Forbang
Case No.:	2023-1813
Date of Decision:	22 March 2024
Date of Publication:	7 May 2024
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Natalie Boucly

JUDGE ABDELMOHSEN SHEHA, PRESIDING.

1. Mr. Ali Mohammad Hammad, a staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency), filed an application with the UNRWA Dispute Tribunal (UNRWA DT) seeking revision of Judgment No. UNRWA/DT/2022/020 of 31 May 2022 (underlying Judgment).
2. By Judgment No. UNRWA/DT/2023/022 dated 18 May 2023, the UNRWA Dispute Tribunal dismissed Mr. Hammad's application for revision (impugned Judgment).
3. Mr. Hammad has filed an appeal before the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure¹

5. Mr. Hammad initially filed an application before the UNRWA Dispute Tribunal challenging two of the Agency's decisions: not to pay his salary from July 2017 to July 2019; and to deduct premiums previously paid by the Agency on his behalf for the Agency's Group Medical Insurance Policy between July 2017 and July 2019 from his salary from September 2019 to February 2021.²
6. By Judgment No. UNRWA/DT/2022/020 of 31 May 2022, the UNRWA Dispute Tribunal dismissed the application.
7. On 18 September 2022, Mr. Hammad filed an application for revision of judgment with the UNRWA Dispute Tribunal to revise Judgment No. UNRWA/DT/2022/020 on the basis of a number of facts and documents referred to in the application for revision.

The impugned Judgment

8. By Judgment No. UNRWA/DT/2023/022, the UNRWA dismissed the application for revision. The UNRWA DT found that Mr. Hammad had merely repeated the contentions he

¹ Summarized from the impugned Judgment as relevant to the appeal.

² We summarize the conclusive and undisputed facts as set forth in the impugned Judgment.

had made in his initial application and submitted three additional documents in support.³ The UNRWA DT found that the documents were not unknown to him at the time of the underlying Judgment. The UNRWA DT further held that, in any case, those documents would not have changed the outcome on the case, and as such the conditions for a revision had not been met.⁴

Proceedings before the Appeals Tribunal

9. On 6 June 2023, Mr. Hammad filed an appeal of the impugned Judgment to which the Commissioner-General filed his answer on 18 August 2023.

Submissions

Mr. Hammad's Appeal

10. Mr. Hammad does not specify errors in fact or law in the impugned Judgment. He merely makes reference to a number of facts and documents related to his substantive claim that – in his view – would have altered the outcome of the case. It is on that basis that he asks this Tribunal to overturn the impugned Judgment.

The Commissioner-General's Answer

11. The Commissioner-General asks that the appeal be dismissed and the impugned Judgment affirmed.

12. The Commissioner-General argues that rather than identifying errors in the impugned Judgment, Mr. Hammad merely repeats arguments he had previously made in his application for revision before the UNRWA DT. Given that the appeal brief fails to cite any grounds of appeal, the appeal should be dismissed.

13. The Commissioner-General further argues that the impugned Judgment was devoid of any errors that might justify reversing it. The UNRWA Dispute Tribunal correctly applied the provisions on application for revision contained in its Statute and the Rules of Procedure. It came to the reasonable conclusion that the documents submitted by Mr. Hammad were known

³ Impugned Judgment, para. 16.

⁴ *Ibid.*, para. 17.

to him at the time he filed his initial case, thus precluding grounds for the application for revision.

Considerations

14. The Appeals Tribunal is established as the second instance of the two-tier formal system of administration of justice. According to Article 2(1) of its Statute, the role of the Appeals Tribunal is not to retry cases *de novo*, but to determine whether the judgment of the court of first instance made errors of law or fact resulting in a manifestly unreasonable decision, exceeded its jurisdiction or competence or failed to exercise its jurisdiction, or committed an error of procedure, such as to affect the decision of the case. An appellant has the burden of satisfying the Appeals Tribunal that the judgment he or she seeks to challenge is defective.⁵

15. Indeed, this Tribunal's jurisprudence is consistent on allowing some latitude if an appellant is not legally represented. In such cases, the Appeals Tribunal interpret that appellant's general words and phrases as a formulation of grounds for appeal.⁶ However, the stretch of this generous approach is not unlimited, nor can it reach the point where the Appeals Tribunal substitute itself for the appellant in identifying the grounds for appeal.

16. It is evident from a perusal of the appeal brief that Mr. Hammad does not argue that the UNRWA DT committed any error of fact or law. He merely presents the same arguments that he had already made in his application for revision before the UNRWA DT. Therefore, we find that Mr. Hammad failed to discharge his burden and for this reason his appeal must fail.

⁵ *Kule Kongba v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-849, para. 19.

⁶ *Nadia Ismail Najjar v. Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2021-UNAT-1084, para. 26.

Judgment

17. The Appeals Tribunal dismisses the appeal and affirms the impugned Judgment No. UNRWA/DT/2023/022.

Original and Authoritative Version: Arabic

Decision dated this 22nd day of March 2024 in New York, United States.

(Signed)

Judge Sheha, Presiding

(Signed)

Judge Ziadé

(Signed)

Judge Forbang

Judgment published and entered into the Register on this 7th day of May 2024 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar