

Judgment No. 2016-UNAT-698

Counsel for Mr. Nyasulu:

Nicole Washienko, OSLA

THE UNITED NATIONS APPEALS TRIBUNAL

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noted that the existing structure of the Rule of Law component would change under the 2013/14 budget.

... The report particularly proposed the dissolution of the LJSS Division which [Mr. Nyasulu] headed. Further, it proposed that the Rule of Law component be restructured along three thematic areas of focus being, access to justice and security, training and mentoring and legal and policy reforms with a view to improving the

... On 9 August 2013, the [Under-Secretary-General, Department of Management (USG/DM)] conveyed his decision to [Mr. Nyasulu] to uphold the non-renewal of his contract and he was immediately separated.

3. On 7 November 2013, Mr. Nyasulu filed an application with the UNDT, contesting the decision not to renew his appointment, and the decision to require him to go through a competitive recruitment process for the position of Principal Rule of Law Officer, UNMIL at the D-1 level. The Secretary-General filed his reply on 13 December 2013.

4. On 29 February 2016, in Order No. 35 (NBI/2016), the UNDT directed Mr. Nyasulu to produce the terms and conditions of his appointment as a Special Prosecutor in Malawi, including all salaries and emoluments, following his separation from service.

5. On 4 March 2016, Mr. Nyasulu produced documentation that showed that he was contracted by the European Union

amounts of (a) one month's net base salary as

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US Dollars would have equalled USD 78,470, not USD 65,000. This would result in USD 78,470 being deducted from the figure of USD 139,559, leaving a compensation figure of USD 61,089, instead of the USD 74,559 awarded by the UNDT.

17. The Secretary-General submits that if the UNDT Judgment is executed as it currently stands, this will result in an overpayment of approximately USD 13,470 to Mr. Nyasulu.

18. Accordingly, the Secretary-General asks the Appeals Tribunal to permit him to recalculate the compensation due to Mr. Nyasulu using the United Nations Operational Rate of Exchange at the applicable time.

19. Mr. Nyasulu does not rebut this appeal, so pre1.7ugv8.1(N)-1.1e.Exc7rTmes n objlrec5Natio perm55.8(a

Original and Authoritative Version: English

Dated this 28th day of October 2016 in New York, United States.

(Signed)

Judge Lussick, Presiding

(Signed)

Judge Thomas-Felix

(Signed)

Judge Halfeld

Entered in the Register on this 20th day of December 2016 in New York, United States.

(Signed)

Weicheng Lin, Registrar