



**Before:** Judge Goolam Meeran

**Registry:** New York

**Registrar:** Hafida Lahiouel

MOKBEL

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON RELIEF**

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**Counsel for Applicant:**

Edwin Nhliziyo

**Counsel for Respondent:**

Susan Maddox, ALS/OHRM, UN Secretariat

## **Introduction**

1. This is a Judgment on relief following a hearing that took place on 7 May 2012. On 1 May 2012, the Tribunal i

6. At the hearing on relief, Ms. Maddox appeared for the Respondent and Mr. Nhliziyo for the Applicant. The Applicant gave evidence by video link from Haiti.

### **Findings on fact**

7. The representatives submitted the following documents at the hearing on relief:

- a. For the Applicant, the Tribunal received a copy of what has been described as a medical abstract from the medical officer who saw him in June 2007. He also produced an e-mail from the staff counsellor at the United Nations Stabilization Mission in Haiti (“MINUSTAH”) confirming that the Applicant was facing a lot of stress and needed medication and a period of sick leave, initially for five days and subsequently for three additional days;
- b. For the Respondent, the Tribunal was provided with the Applicant’s electronic performance appraisal (“e-PAS”) reports for the periods 2006-2007, 2007-2008 (this performance was split in two: the first report covered the period from 1 April to 19 August 2007 and the second report the remaining period until 31 March 2008), 2009-2010 and 2010-2011. These e-PAS reports clearly indicate that the Applicant was performing extremely well throughout the relevant period.

8. The Applicant gave evidence that he suffered distress and mental anguish as a result of the threat of him not only losing his job but also facing the prospect of a criminal prosecution. The latter concern has to be seen in the context of the Applicant’s knowledge of a criminal prosecution having been brought against two procurement staff members in New York.

Case No. UNDT/NY/2010/068

Judgment No. UNDT/2012/067





**Conclusion**

22. The Respondent is ordered to pay to the Applicant the sum of USD10,000 in compensation.

23. Under art. 10.5 of the Statute of the Dispute Tribunal, the sum of compensation as detailed in para. 22 above is to be paid to the Applicant within 60 days of the date that this Judgment becomes executable, during which period the US Prime Rate applicable as at that date shall apply. If the total sum is not paid within the 60-day period, an additional five per cent shall be added to the US Prime Rate until the date of payment.

24. There being no other applications, this matter is now closed.

*(Signed)*