

Case No. UNDT/GVA/2015/106
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Judgment No. UNDT/2016/026

1. The Applicant's claim is based on Article 101 of the 1948 Genocide Convention, which provides that the United Nations shall take such measures as may be necessary to prevent and suppress acts of genocide. The Applicant alleges that the Respondent's actions constitute genocide and that the Respondent is responsible for the acts. The Applicant seeks compensation for the acts and for the damage caused by the acts.

2. As requested:

a. A declaration that the Respondent's actions constitute genocide; as well as a declaration that the Respondent is responsible for the acts.

b. An order that the Respondent pay compensation to the Applicant for the acts and for the damage caused by the acts.

c. Damages in an amount of USD 10,000,000 and as a punitive estimate of the losses caused by the acts and the acts.

d. Rescission of the Respondent's actions and the grant of a permanent injunction to the Applicant to prevent the Respondent from repeating the acts.

e. Payment of an amount of USD 10,000,000 to the Applicant for the acts and for the damage caused by the acts; and to the Applicant upon the "date of settlement" of the acts and for the damage caused by the acts; and to the Applicant upon the "date of settlement" of the acts and for the damage caused by the acts.

f. Payment of an amount of USD 10,000,000 to the Applicant for the acts and for the damage caused by the acts; and to the Applicant upon the "date of settlement" of the acts and for the damage caused by the acts.

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6. The Commission, in its decision of 10 June 2016, found that the applicant's claim for compensation for moral damage was not admissible. The Commission found that the applicant's claim for moral damage was not admissible because it was not supported by any evidence. The Commission found that the applicant's claim for moral damage was not admissible because it was not supported by any evidence.

7. In its decision of 10 June 2016, the Commission found that the applicant's claim for compensation for moral damage was not admissible. The Commission found that the applicant's claim for moral damage was not admissible because it was not supported by any evidence. The Commission found that the applicant's claim for moral damage was not admissible because it was not supported by any evidence.

8. Also in its decision of 10 June 2016, the Commission found that the applicant's claim for compensation for moral damage was not admissible. The Commission found that the applicant's claim for moral damage was not admissible because it was not supported by any evidence. The Commission found that the applicant's claim for moral damage was not admissible because it was not supported by any evidence.

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10 A#)%\$ 2015.

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a. The respondent's comments on ; et al) a)nt su-stant, e)ing ; as needed and

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27. Upon the T)-una\$-s)nst)u&tions+ on ?1 De&em-e) 2015+ -ot* #a)tles &on,e"ed t)e) ,e ; s<)n #a)t%&u\$a) t)e A##\$&ants ; %sed to #)o,)de u)t)e su-m)ss)ons I and+ #oss%-)\$+ add)t)ona\$ e, %den&e I on)emed)es+ ;)eas t)e /es#ondent %ntended to &a\$\$; %tnesses to test) " on:

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28. Pursuant to 6)de) No. 2 0GVA/20163 o 5 Janua)" 2016+ on 12 Janua)" 2016+ ea&* o t)e #a)tles %sed add)t)ona\$ su-m)ss)ons on t)e %ssues t*at t)e" *ad)es#e&t, e)" %dent) %ed o) u)t)e) d)s&ussion+ and t)e /es#ondent #)o, %ded t)e t; o ; %tnesses statements+ as ; e\$\$ as t)e de&ss)on to &on, e)t to #e)manent t)e %4ed5te)m a##o)ntment o one o t)e UNA . / T sta mem-e)s t*at ; e) e5&ons)de)ed u)t)e) to Judgment Tredici et al UNDT/201'/'11'.

29. !" 6)de) No. 19 0GVA/20163 o 1' Janua)" 2016+ t)e T)-una\$ dete)m)ned t*at t)e add)t)ona\$ e, %den&e #)o#osed+)n #a)t%&u\$a) t)e t; o ; %tnesses)e9uested+ ; %e)e\$ated to)e)e, ant %ssues+ d)id not -)ing to \$g*t ne ;)n o)mat)on not a\$)ead" &ont)ained)n t)e do&uments and su-m)ss)ons on %e. et u)t)e) de&ided t*at no o)a\$)e)ing ; as to taCe #a&e+ ; %e g,)ng -ot* #a)tles t)e &*an&e to %e t)e))es#e&t, e &os)ng statements)n ;)t)ng+ ; %&* t)e" d)id on 21 Janua)" 2016.

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9. On remedies, the Tribunal has not been required to set a compensation rate, as to the issue. (The Tribunal); since the Commission is not to be a permanent assignment, it is a discretionary decision; since the Administration has not consistently acted in accordance with the Tribunal's directions

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Legal framework of the contested decisions

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25. In addition, and in order to ensure the consistency of the law, the Administrative Tribunal has referred to the jurisprudence of the Administrative Tribunal and the Administrative Tribunal of the United Nations. To this effect, the Administrative Tribunal has referred to the jurisprudence of the Administrative Tribunal of the United Nations, in particular the decision of the Administrative Tribunal of the United Nations in *Malmström et al.* (2015 UNAT 57) which is cited and must be taken as a guiding precedent in determining the admissibility of appeals, in that the findings of the Administrative Tribunal in *Longone* (2015 UNAT 58) and *Ademagic et al.* (2015 UNAT 59) and *McIlwraith* (2015 UNAT 603).

Subject of the judicial review

26. Pursuant to art. 2.10a of its Statute, the Administrative Tribunal is competent to examine the legality of administrative decisions. The administrative decisions challenged in these appeals are the decisions of the Administrative Tribunal in *Ademagic et al.* (2015 UNAT 58) and *McIlwraith* (2015 UNAT 603).

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6. The Guidelines in the present case require a suitability test; the applicant's membership is assessed against the following criteria:

a. The applicant's qualifications, experience and conduct and

5. The highest standards of integrity and integrity are essential in the context of the Commission's work.

6. The ongoing not standing; it should be noted that the interests of the Commission are also mentioned in the present case, and, as such, it is a legitimate consideration to be taken into account when assessing the suitability of a member. Therefore, as articulated in the present case, it is an essential part of the Commission's work to ensure that the interests of the Commission and its members are protected and taken into account when assessing the suitability of a member.

6. The United Nations Administrative Tribunal has assessed the suitability of the applicant in the present case, and, as such, it is a legitimate consideration to be taken into account when assessing the suitability of a member. Therefore, as articulated in the present case, it is an essential part of the Commission's work to ensure that the interests of the Commission and its members are protected and taken into account when assessing the suitability of a member.

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Eligibility

'7. Judgment *Malmström et al.* 2015 UNAT 57 states that the matter in question was remanded to the A7G/68 / (on\$ " o) &ons%de)at%on o t*e l\$u%ta-%\$%t"2 o t*e A##\$%&ants o) &on,e)s%on.

'8. On the date of that the Administration proceeded to a new; e\$%g%-%" assessment. Not on\$ " %s t*%s #atent)om t*e ,o\$um%uous)e&o)ds o t*e #)o&ess -ut %t ; as u)t*e) &on %med -" t*e /es#ondent %n *%s #sead%ngs< -es%des+ t*e ne ; e\$%g%-%" assessment &ondu&t&ed %s)e \$e&t&ed %n t*e de&%s%on \$ette)s+ unde) t*e &)%te)on)e e)ed to %n #a)a. '2.a a-o,e. On)e\$ assessing t*e A##\$%&ants= e\$%g%-%" + t*e Adm%n%st)at%on d%se)eg)ded t*e s#e&% %& %nst)u&t%ons)e&e% ,ed)om t*e A##e)s and D%#ute T)% -una\$s.

Retroactivity

'9. *Tredici et al.* UNDT/2015/111 &\$ea)\$" stated that it remanded the UNA . / T &on,e)s%on e4e)&%se to t*e A7G/68 / (o) l)retroactive &ons%de)at%on2 0em#%as)s added. As to *Malmström et al.* 2015 UNAT 57+ a\$%oug* %t does)e e) a\$so to)et)oa&t%,e l&on,e)s%on2 o) le e&t2 o &on,e)s%on+ %ts Ce" #assage 0#a)a. 8?3 unam-%guous\$" o)des t*e l)et)oa&t%,e &ons%de)at%on2 o t*e A##\$%&ants= su%ta-%\$%t". Cont)a)" to ; *at t*e /es#ondent suggests+ %m#sement%ng t*e)esu\$%ng de&%s%ons)et)os#e&t%,e\$" ; ou\$d not su %e to meet t*e)e9u%ement o)et)oa&t%,e consideration. !as1269 (e)-14 . 3239 (4)-0 . 95A873046 (/)-0 . 95892 (G)500] T J D / R17 11 . 28 T f D 6

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UNDT/2015/111' under the provisions of article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and article 1 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD). The Committee is satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace.

51. Regarding the alleged violation of article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and article 1 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Committee is satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace.

52. The Committee is satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace.

53. The Committee is satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace. The Committee is also satisfied that the State has not taken any effective measures to address the discrimination against women in the workplace.

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61. T*e T)%-una\$ %s a ; a)e+ *o ; e,e)+ t*at t*e A##\$%&ants= %nd% , %dua\$ %ses do
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62. Concerning the assessment, the Applicants state that some of the above

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o) e,en ment%oned+ %n t*e de&%s%on \$ette)s o t*ese % ,e A##\$%&ants+ as t*e" a\$\$
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UNAT's mandate stands as the remaining reason - and the
contested decisions.

Exclusive reliance on the downgrading of A+&T

80.

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a\$\$ ot*e)s+ t*e 6)gan%Bat%on a\$\$ed to a-%de -" t*e

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Judgment No. UNDT/2016/026

Ante)ed %n t*e /eg%ste) on t*s%is 29^{t*} da" o (a)&* 2016

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