
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2016/0 !

"#\$g%e&' No.: UNDT/2017/01(

Da'e: 7) a*+, 2017

O*-g-&a.: E&g.-s,

Before: "\$ge Te*esa B*a/o

Registry: Ge&e/a

Registrar: Re&0). Va*gas

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SECRETAR23GENERAL
O4 T1E UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Se.f3*e5*ese&'e\$

Introduction

1. ! " an #n\$om%&ete a%%&#\$at#on #&ed on ' (\$to)e* 2016- \$om%&eted on

9. (n 8 Ju" 201: s, e 6*ote anot, e* ema# to 8 9+ UN5CCC+ *e@uest#ng inter
alia #n o*mat#on a)out 6 ,et, e* ,e* *e%at*#at#on g*ant ,ad)een *em#tted and+ # so+

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1. ! " ema# dated 30 - a" 2016 to t, e - anagement A2a&uat#on Un#t .3 - AU40+ t, e A%%&#Sant *e@uested management e2a&uat#on o 3t, e &long o2e*due %a"ment Bo ,eC *e%at*#at#on g*ant4.

16. 5o&&o6#ng \$lea*an\$e *om UN5CCC+ t, e 5#nan\$#ak 9esou*\$es - anagement 1e*2#Se+ UN (G+ *eleased t, e %a"ment o t, e *e%at*#at#on g*ant 6#t, a %a"ment date o 31 - a" 2016. As %e* t, e do\$uments on #&e+ t, e *e%at*#at#on g*ant amount ,eid #n t*ust 6as UID:+99'.07. >t 6as 6#*ed+ as %e* t, e A%%&#Sant?s #nst*ut#ons+ to ,e* - ; 9 a\$Sount+ and t, e \$on2e*s#on *om UID to - ; 9 6as made us#ng t, e %*e2a#&#ng Un#ted Nat#ons (%e*at#ona& 9ates o A=\$,ange .UN (9A0 o - a" 2016+ name&" UID1 E - ; 93.897+ *esult#ng #n t, e \$*ed#t#ng o - ; 923+3:8.89 to t, e A%%&#Sant.

17. ! " &ette* dated 6 June 2016+ t, e - AU a\$7no6&edged *e\$e#t o t, e A%%&#Sant?s *e@uest o* management e2a&uat#on.

18. ! " ema# o 8 June 2016+ a 8uman 9esou*\$es (#Se*+ 89+ UN5CCC+ sent to t, e A%%&#Sant an 3U - (JA \$&#% *ega*d#ng t, e d#s)u*sement o t, e *e%at*#at#on g*ant4. >t s, o6ed t, at UID:+99'.07 ,ad)een \$lea*ed o* %a"ment e e\$#2e 31 - a" 2016. ! " ema# o t, e same da"+ t, e A%%&#Sant #n o*med UN5CCC t, at t, e mone" ,ad not "et *ea\$, ed ,e* a\$Sount and t, at+)ased on t, e #n o*mat#on s, e ,ad *e\$e#2ed+ s, e 6as o t, e 2#e6 t, at t, e (*gan#<at#on ,ad unde*%a#d ,e* UID268.29.

19. ! " ema# o 9 June 2016+ a 8uman 9esou*\$es Ass#stant+ 89+ UN5CCC+ *e&#ed to t, e A%%&#Sant t, at s, e ,ad 3\$onta\$ted t*easu*" aga#n o* u*t, e #n o*mat#on4.

20. ! " ema# o 10 June 2016+ t, e A%%&#Sant *e#te*ated t, at s, e ,ad not *e\$e#2ed an" mon#es #n ,e* a\$Sount. (n t, e same da"+ a 8uman 9esou*\$es Ass#stant+ UN5CCC+ *e&#ed to t, e A%%&#Sant t, at UN5CC 6as 3st&& a6a#t#ng eed)a\$7 *om t*easu*"4.

21. ! " ema# o 1' June 2016 to t, e A%%&#Sant+ t, e - AU ad2#sed ,e* t, at 3t, e Adm#n#st*at#on %esented a %a"s&#% 6, e*e)" t, e *e%at*#at#on g*ant B, ad)eenC

transferred to B, e* C a\$ount4+ and as7ed ,e* to \$on #*m # s,e ,ad *e\$e#2ed t,e
%a"ment #n @uest#on. !" ema#k o 1: June 2016+ t,e A%%&#\$ant inter alia ad2#sed
t,e - AU t,at a&t,oug, s,e ,ad not *e\$e#2ed an" %a"s&#%+ s,e ,ad)een unde*%a#d
U1D268 o* ,e* *e%at*#at#on g*ant and t,at s,e 6#s,ed to 3add t,#s unde*%a"ment
to B,e*C \$&a#m aga#nst UN5CCC4.

22. !" ema#k dated 21 June 2016+ a 8uman 9esou*\$es (#e*+ 89+ UN5CCC+
#n@u#*ed 6#t, t,e A%%&#\$ant # s,e ,ad *e\$e#2ed t,e *e%at*#at#on g*ant.

23. !" kette* dated 1' Jul" 2016+ t,e - AU #n o*med t,e A%%&#\$ant t,at #t 6ou&d
%*o\$eed to \$&ose ,e* #&e. >n su%%o*t o t,#s+ t,e - AU ad2#sed t,e A%%&#\$ant+ inter
alia+ t,at %a"ment o ,e* *e%at*#at#on g*ant+ amount#ng to U1D:+99'.07+ ,ad)een
e=e\$uted on 31 - a" 2016 and t,at s,e ,ad \$on #*med *e\$e#%t o t,e e@u#2a&ent

A%&#Sant+ #.e.+ 21 da"s+ \$an on&" lead to \$on\$&ude t,at t,e %a"ment 6as made #n June 2016 and t,at+ t,us+ t,e ., #g,e*0 UN (9A *ate o* t,at mont, s,ou&d ,a2e)een a%&#edH

\$. 1,e lost t,e o%%o*tun#t" to 3add to B,e*C \$u**ent&" ,e&d *#s7 *ee #n2estment a\$\$ount 6#t, a "#e&d o a%%*o=#mate&" 6.: I %e* annum4H

d. > %a"ment ,ad)een made #n De\$em)e* 201:+ s,e 6ou&d ,a2e)ene #tted *om a ,#g,e* UN (9A .U1D1 E - ; 9 '+290H

e.

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Judgment No. UNDT/2017/013

. The Applicant is also not entitled to moral damages because she did not submit an evidence in support of her claim as required by art. 10... of the UNDT Statute. Furthermore, the claim cannot be considered as a fundamental right, as the Applicant's rights and she did not claim to be in financial distress. In order to award moral damages due to the claim.

Consideration

27. The Tribunal must, as to the duration of some of the applicant's matters.

Ex parte documents filed by the Applicant

28. The Tribunal describes that the ex parte documents filed by the Applicant on 17 September 2017, and remain ex parte

Legal framework

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33. 1ta 9egu&at#on 9.' st#%u&ates t,atF

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>n %*#n\$#%&e+ t,e *e%at*#at#on g*ant s,a&&)e %a"a)&e to sta mem)e*s 6,o ,a2e \$om%&eted at least #2e "ea*s o @ua&# "#ng

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Compensation of material damages

cannot be construed as a finding that the respondents' conduct of the United Nations and cannot form a basis for the award of UN (9A. 5) under the law of international law. The amount of the award is assessed to be \$1,900,000, which is the amount of the award as determined by the Tribunal as described above, as opposed to the amount actually awarded by the UN (9A) at the date of the award.

:3. The Tribunal has a duty to ensure the case of Castelli UNDT/2010/011 is followed, especially in the light of the fact that the Tribunal has a duty to ensure the case of Castelli is followed.

But also, the Tribunal has a duty to ensure the case of Castelli is followed, especially in the light of the fact that the Tribunal has a duty to ensure the case of Castelli is followed.

:'. The Tribunal has a duty to ensure the case of Warren 2010/UNAT/0:9 is followed.

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62.

Ante*ed #n t,e 9eg#ste* on t,#s 7^t da" o - a*\$, 2017

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