
TRIBUNAL
DU CONTENTIEUX ADMINISTRATIF
DES NATIONS UNIES

Affaire n° : UNDT/NY/2016/060
Jugement n° : UNDT/2017/070
Date : 26 juin 2018
Français
Original : anglais

Juge : La juge Alessandra Greceanu
Grefte : New York
Greffier : Morten Albert Michelsen, Administrateur chargé du Greffe

P QW P QW

e0

NG"UGET! VCKTGI | P | TCN"FG"NOTI CP KUCVKQP "FGU"PCVKQP U"WP KGU

JUGEMENT

Conseil du requérant :

Ugr j cp "Hrgvi gp

Conseil du défendeur :

Cxrp "I wo cp. "UF C. "DI TJ

Ckrxgt "Ewo o kpi . "UF C. "DI TJ

Introduction

1. Cpekgppg'hqpevkppck g'f g'rc'F kxkukqp'f gu'kpxgukwki cvkqu'f w'Dwt gcw'f gu'ugt xklegu'
f g'eqpvt'rg'kpvgtpg'kë F KDUEKi +.rc'tgs w²tcpvg'eqpvguvg'ngu'f²ekukqu'uwkxcpvgu

6. Ng"4;

14. Ng'48 o ck'4238.'rc'tgs w² tcv'g'c'uckuk'rg'Uqwu/Uget² vctg'i² p² tcn'«'rc'i guvkqp'f gu'
tguuqwtegu'j wo ckpgu'«è UUI IDI TJ ì +f øwp'g'r rckp'g'cn² i wcpv's wg'ng'F C'f g'rc'F Kf g'
Xkgppg'cxck'v'gp² 'f g'o cpr wgt'uaq'epvtcv'gv's wg'ng'F C'f g'rc'F Kf g'P cktqdk'cxck'
gzgte² 'f gu'tgr t² uck'ngu'epvtg'gmg0

15.

25. Ng'5 qevqdtg"4238."«; j 70."r"r'F GEV'kphqto g'r'tgs w² tcvp'g's w² gm'c'² v² 't gvpwg" r qwt "qeewr gt"wp"r quvg"vgo r qtcktg"i /60'Ng"o 'o g"lqwt"«"33 j 64."r"tgs w² tcvp'g'hckv" ucxqkt"«"r"r'F GEV"eqo dkgp"gm'² vckv'è tckg ì "f o'gpvtgt"«"uqp"ugtckg"gv'f g'hckg'r ct vkg" f g"uqp"² s wkr g0'F cpu"ng"eqwcpv'f g"r"o 'o g"lqwt p² g"«"39 j 44."r"r'F GEV"htc"ucxqkt"«" r"tgs w² tcvp'g's wg"ugrqp"WO QLC. "gm'cxck'wp"eqpvtcv'f g"² f² vgt² g"² vgt² g"² eqwcpv' lwus w² w'4: qevqdtg"4238"gv's wg"r"r'F GEV"fgo cpf gtckv'«"r"r'Kf w'DUEKè f œwqtkugt" uqp"chgevcvqpp"vgo r qtcktg"² f w'Ugtckg"cf o kpkvtcv'h'f w'DUEK«"r"r'F GEV i "lwus w² w' 53 f² ego dtg"42380

26. Ng'6 qevqdtg"4238."r"tgs w² tcvp'g"tg±qk' r"² f² ekukqp"eqpu² ewkxg"cw"eqpvt¹/² g" j k² ttej ks wg"² xgpcpv'² kphqto gt"s wg"ng"Uget² vcktg"i ² p² tcn'c"² f² ekf²² "f g"o ckpvgpk"r"² f² ekukqp"² f g'pg'r cu'tgpqwxgngt"uqp"eqpvtcv'cw'f gn'² f w'4: qevqdtg"4238."hcwg'f g"² et² f ku0

27. Ng'7 qevqdtg"4238."«"35 j 9."r"r'F GEV'kphqto g'r"tgs w² tcvp'g's wg"ugrqp"ng"Ugtckg" cf o kpkvtcv'h'f w'DUEK'Uqp"è gpi ci go gpv'f g"² f² vgt² g"² vgt² g"² xgpcpv'«"gzr ktcvkqp"ng" 4: qevqdtg"4238"pg"Jugtckv_"r ct"r tqmpi ² ì "gv's wg"r"r'F GEV"² f² gxtc"r"² è t gpi ci gt"gp" xgtw'f o'wp"eqpvtcv'vgo r qtcktg."r wkus w² gm'² cxck'² v² 't gvpwg"r qwt "qeewr gt"wp"² r quvg" xcecpv'vgo r qtcktg_ ì 0'S wgs wgu"kpucpw'r nu'² vtf "«"35 j 37."r"tgs w² tcvp'g"² kphqto gtc" r"Uget² vcktg"² i ² p² tcn'g"cf lqkv'g"² cwz "ugtckg"² f g"² eqpvt¹/² g"² kpvtpg"² è UI C"² f w'DUEKi + " ng"Uqwu/Uget² vcktg"² i ² p² tcn'f w'DUEK'è UUI ID"² f² g"² f² g"² f² g"² f² g"² cf o kpkvtcv'h'f w' DUEK's wg"r"r'F GEV"² cxck'² t gvpwg"² r qwt "wp"² r quvg"² I /6."s w² gm'² ceeegr vck'² ng'² h'g"² «"gm'² hckg"² gv's wg"r"r'F GEV"² gpvtgtckv'gp"² eqpvtcv'cxge"ng"DUEK'² r qwt "² f go cpf gt"uqp"chgevcvqpp" vgo r qtcktg."² vcpv'² w² w'ckg"² f o'wp"² eqpvtcv'f g"² f² vgt² g"² vgt² g"² gv'ng"² r quvg"² f g"² r"r'F GEV"² vcpv'² vgo r qtcktg"0Ng"² o 'o g"² lq"² gx r

nc"uqmwkqp" f øwp"]t³ i ngo gpv_]c_o kcdng' r ct "hg"lgwf w' r tkpek r g' f g"]r _tqvgevkqp" f gu"
]ncpegwtu_ "f ørgtvg"]i _0

58. Ng": o ck'4239. "r ct" qtf qppcpeg" pª ; 2" *P [14239+ "tgevk h² g" r ct" nqtf qppcpeg"
pª ; 4" *P [14239+ "hg" Vtkdwpnc' kpxk² "hg" f² hgpf gwt "f g' r tqf vkt g. "hg" 3; o ck'4239 "cw' r mw"
vtf. "rgu' r k² egu' ek/ cr t³ u <

c0 Vqwgu' hgu' hgt gu' f g' p qo kpcvkqp" f g' r c' tgs w² tcpvg. "f qp v' egmg" f g' uc' r tgo k² tg"
p qo kpcvkqp" cw' vko qt "]N_guvg. "eqo o g' uwkg" « "nqtf qppcpeg" pª 55" *P [14239+=

d0 Wp" vgz vg" g z r nks wcpv' uk' n" tgs w² tcpvg" cxckv' ² v² " tget w² g" uw" ng" r ncp"
kpvgt pcvkqpnc' r qwt " nwp" s wgreqps wg" f gu' r quvgu' s wømg" cxckv' qeewr ² " « "eg" lqwt. "
r k² egu' l wvkhkcvkxgu" « "nrc r wk =

Affaire n° :

f0 Gp"qwtg."ng"eqpugkf'g"rc"tgs w² tcpvg."uqwgpcpv's wg"egmg/ek'c."mqtu'f'g"uc"
f²r qukkqp."f² emct²"pqvc o gpv'cxqkt'² v² "kpuetkg'uwt'wp'hkej kgt'r qwt'r quvgu'f'g'rc"
ercuug'I

Affaire n° : UNDT/NY/2016/060
Jugement n° : UNDT/2017/070

96. Ng'4'o ctu'423: . 'rc' tgs w² tcvp'g' uogps wktv' r ct' 2 etk' f' g' n² wv' f' g' uc' ecwug0

97. Ng'34'o ctu'423: . 'rc' tgs w² tcvp'g' hqto g' wp'g' è]t_ g' s w' v' g' p'] w' i' g' p' e' g'] e' q' p' e' g' t' p' c' p' v' r' g'] n' k' p' v' g' t' x' g' p' v' k' p' _] r' q' v' g' p' v' g' m' g' o' g' p' v' p' 2 i' c' v' k' g' f' g' r' c' " U' g' e' v' k' a' p' " f' w' f' t' q' k' v' c' f' o' k' p' k' u' t' c' v' k' h' " *è U' F' C' i' +_ I' D' U' E' K'] _] f' c' p' u' r' g'] t' _ g' e' t' w' g' o' g' p' v' f' g' r' c' t' g' s' w² t' c' v' p' g' c' w'] D' w' t' g' c' w' f' g' r' n' w' w' g' e' q' p' t' g' r' g' t' t' q' t' k' u' o' g' . *è D' N' V' i' +_ i' 0

98. Rct' eqwt' t' k' t' ² r' g' e' t' q' p' k' s' w' g' f' w' 34' o' ctu' 423: . 'ng' I' t' g' h' h' g' f' g' P' g' y' [q' t' n' i' f' g' o' c' p' f' g' < " r' c' " t' g' s' w² t' c' v' p' g' f' o' k' p' f' k' s' w' g' t' c' w' V' t' k' d' w' p' c' n' u' k' g' m' g' g' p' v' g' p' f' " r' g' u' c' k' u' k' " f' o' w' p' g' f' g' o' c' p' f' g' f' g' u' w' t' u' k' u' < " g' z' ² e' w' k' q' p' " g' p' c' w' g' p' f' c' p' v' r' g' " e' q' p' t' / r' g' " j' k² t' c' t' e' j' k' s' w' g' " n' k' p' x' k' c' p' v' " f' c' p' u' r' c' h' k' t' o' c' v' k' g' . < " r' c' " f' ² r' q' u' g' t' u' r' c' t' ² o' g' p' v' 0' N' g' " 35' o' ctu' 423: . " r' g' " I' t' g' h' h' g' f' g' P' g' y' [q' t' n' i' f' g' o' c' p' f' g' < " r' c' " t' g' s' w² t' c' v' p' g' . " f' g' " p' q' w' x' g' c' w' r' c' t' " e' q' w' t' t' k' t' ² r' g' e' t' q' p' k' s' w' g' . " f' g' " r' t' ² e' k' u' g' t' " u' k' u' c' " f' g' o' c' p' f' g' f' w' 34' o' ctu' u' k' p' u' t' g' f' c' p' u' r' c' t' ² u' g' p' v' g' u' r' ³ e' g' q' w' u' g' x' g' w' w' p' g' e' c' w' u' g' p' q' w' x' g' m' g' 0' N' c' t' g' s' w² t' c' v' p' g' " h' g' t' c' u' c' x' q' k' c' w' V' t' k' d' w' p' c' n' r' c' t' " e' q' w' t' t' k' t' ² r' g' e' t' q' p' k' s' w' g' f' w' 37' o' ctu' 423: . " s' w' g' u' c' f' g' o' c' p' f' g' u' g' " x' g' w' e' c' w' u' g' f' k' u' k' p' e' v' g' f' g' r' c' r' t' ² u' g' p' v' g' u' r' ³ e' g' 0

99. Ng'3; " o' ctu' 423: . " r' c' " t' g' s' w² t' c' v' p' g' f' ² r' q' u' g' " w' p' g' t' g' s' w' v' g' " e' q' p' e' g' t' p' c' p' v' w' p' " è] h' c' k' v'] t' ² e' e' w' t' g' p' v' < "] t' _ g' v' g' p' k' t' c' w' z' h' k' p' u' f' g'] f' _ ² e' k' u' k' q' p'] h' k' p' c' r' g' i' 0

Arguments de la requérante

100. Ngu' r' t' k' p' e' k' r' c' w' z' " c' t' i' w' o' g' p' u' f' g' r' c' t' g' s' w² t' c' v' p' g' u' q' p' v' h' u' u' w' x' c' p' w' " u' q' w' k' i' p' g' o' g' p' u' f' c' p' u' r' n' q' t' k' i' k' p' c' n' g' v' r' g' u' p' q' v' u' f' g' d' c' u' f' g' r' c' i' g' q' o' k' u' + <

í E' o' g' u' v' < " v' q' t' v' s' w' g' r' c' " f' k' t' g' e' v' k' a' p' " f' w' D' U' E' K' r' t' ² v' g' p' f' " p' o' c' x' q' k' " r' c' u' t' g' p' q' w' x' g' i' ² r' g' " e' q' p' t' c' v' f' g' r' c' " t' g' s' w² t' c' v' p' g' h' c' w' g' f' g' e' t' ² f' k' u' . " r' g' " D' U' E' K' c' { c' p' v' f' ² v' q' w' t' p' ² " r' g' u' e' t' ² f' k' u' " c' m' q' w' ² u' " r' c' t' " n' C' u' u' g' o' d' r' ² g' " i' ² p' ² t' c' r' g' " c' w' v' k' t' g' " f' g' u' r' q' u' v' g' u' f' g' r' c' "] F' K' I' D' U' E' K' r' q' w' t' " h' k' p' c' p' e' g' t' " r' g' u' v' t' c' k' g' o' g' p' u' f' g' " h' q' p' e' v' k' p' p' c' k' t' g' u' " f' g' r' c' " F' k' x' k' u' k' q' p' " f' g' r' c' " n' c' w' f' k' v' k' p' v' g' t' p' g' "] *è K' C' F' i' +_ " g' v' f' g' r' c' " F' k' x' k' u' k' q' p' " f' g' r' c' " n' k' p' u' r' g' e' v' k' a' p' " g' v' f' g' r' c' " x' c' n' w' c' v' k' p' "] K' G' F' _] i' _] f' w' D' U' E' K' 0' E' g' u' " e' t' ² f' k' u' " q' p' v' ² i' c' r' g' o' g' p' v' ² v' ² " c' h' h' e' v' ² u' " < " f' g' u' c' e' v' k' a' p' u' " f' g' r' c' " h' q' t' o' c' v' k' a' p' " e' q' p' f' w' k' g' u' r' c' t'] p' q' o' " e' c' x' k' t' f' ² . " O' 0' L' H' _ " e' g' s' w' k' x' k' g' p' v' g' p' e' q' t' g' f' ² o' q' p' v' t' g' t' s' w' g' r' c' " j' c' w' g' " f' k' t' g' e' v' k' a' p' " f' w' D' U' E' K' c' " c' i' k' g' v' e' q' p' v' k' p' w' g' f' o' c' i' k' t' f' g' o' c' w' x' c' k' u' g' h' q' k' 0

í] P' q' o' " e' c' x' k' t' f' ² . " O' 0' ² J' O' _ " c' t' g' h' w' u' ² " f' g' r' c' t' q' m' p' i' g' t' " r' g' " e' q' p' t' c' v' f' g' r' c' t' g' s' w² t' c' v' p' g' " l' w' u' s' w' o' w' 53' f' ² e' g' o' d' t' g' 4238' u' c' p' u' k' p' e' k' f' g' p' e' g' " h' k' p' c' p' e' k' ² t' g' r' q' w' t' " r' g' " D' U' E' K' r' t' u' s' w' g' r' c' " F' G' E' V' " n' k' c' " q' h' h' g' t' v' w' p' " r' q' u' v' g' " v' g' o' r' q' t' c' k' t' g' " l' w' u' s' w' o' < " e' g' w' g' " f' c' v' g' 0' E' o' g' u' v' n' c' " w' p' " c' w' t' g' " g' z' g' o' r' r' g' f' g' r' c' " o' c' w' x' c' k' u' g' h' q' k' f' g' r' c' " j' c' w' g' " f' k' t' g' e' v' k' a' p' " f' w' D' U' E' K' 0

í F' g' r' n' w' u' . "] O' 0' D' U' _ " c' " f' ² e' k' f' ² " r' g' " 52' " l' w' k' p' " 4238' " f' g' u' w' r' t' k' o' g' t' " r' g' " r' q' u' v' g' f' g' r' c' " t' g' s' w² t' c' v' p' g' u' c' p' u' l' c' o' c' k' u' k' p' h' q' t' o' g' t' " e' g' w' g' f' g' t' p' k' ² t' g' f' g' u' c' f' ² e' k' u' k' q' p' . " c' { c' p' v' c' w' e' q' p' t' c' k' t' g' " r' c' k' u' ² " < "] p' q' o' " e' c' x' k' t' f' ² . " O' 0' I' D' _ " r' g' " u' q' k' p' " f' g' r' c' " n' g' p' " k' p' h' q' t' o' g' t' " r' q' t' u' f' g' r' c' " t' ² w' p' k' a' p' " f' w' 9' u' g' r' v' g' o' d' t' g' 4238' = R' t' ² u' g' p' v' < " r' c' " t' ² w' p' k' a' p' "] O' 0' D' U' _ " g' u' v' e' g' r' g' p' f' c' p' v' t' g' u' v' ² " o' w' g' v' u' w' t' " r' c' " f' ² e' k' u' k' q' p' . " e' g' s' w' k' c' " g' o' r' e' j' ² " r' c' t' g' s' w² t' c' v' p' g'] i' _] f' g' u' g' o' g' w' t' g' t' c' r' k' f' g' o' g' p' v' < " e' j' g' t' e' j' g' t' "



í Ng"f² hgpf gwt "kpxqs wg"wp"o cps wg"fg"et² f ku"hekt0Uokn'gp"² wkv'ckpuk"tkgp"
pg"lwukhgtck's wg"ng" DUEK vctf g" «" ng" f ktg0' F g" r nuu." eøguv' ñ" wp" cti wo gpv'
hcmekgwz."eg"s wg"xkpv'r tqwxgt"egek's wg"lpqo "ecxktf²."O °g CG_"eqmî i wg"f g"
JO °g JO_"

eqpvcv'chp"fg"r qwxqk"uokpuetkg"cwz"Je_qwtu"fg"rcpi wg"twaug0Gmg"cgp"hcK/r tku"
uw" gmg"fg"eqpvcvgt"]ng_ "UC ð"pk'rc" F K'pk']ng_ "UC"pg"nøpv'eqpvcv'g"r qwt"
nøphqto gt0]í _0

í Ng"fg"2 hgpfgwt"uqwkgpv'cwz"]rctci tcr j gu_ "3; "gv'42"fg"uc"t²r qpug"s wg"ng"
DUEK'cxck'²r wku²" ugu"]e_t²f ku"cw' 52"lwkp"4238"gv's wø«"rc"fgo cpf g"fg"rc"
F K IDUEK_ "ng"]UC IDUEK_ hkpçp±ckv"«\kxg"gzegr vkppgn"ng'r quvg'fg"rc"tgs w² tcvpvg"
«"nøkf g"fg"t guuqwt egu"vgo r qt ckt gu0Eøguv'n«"wp"chhk o cvkqp"eqpvcf kexqt g"gv'wp"
«"høkf g"fg"pfi cpv'«"høkf g"et qkt g"s wg"rc" F K IDUEK_ "gv"]ng_ "]UC" f w' DUEK_ "qpvhøkf f gu"
ghqtu" r qwt" ckf gt" rc" tgs w² tcvpvg" eqo o g" uk' gmg" ² vck']wpg_ " r t² elgwug"
høpvcv'pçk g0

í Uk'ngu"chhk o cvkqp" f w' f² hgpfgwt"uqp'x² tkf ls wgu."rc"]tgs w² tcvpvg_"xqwf tcku"
c"r"]ng_ "øç wgp'k p" f w' Vt kd wpcn'uw" eg"s wkuwkv <

M 4 6 0 Uk'ngu"et² f ku" f w' QK"² vckgp² r wku² u'cw'52"lwkp"4238."r qwts wqk'rc" F K
gvlqw"]ng_ "]UC" f w' DUEK_ " pøgp" pøpv

Affaire n° : UNDT/NY/2016/060

Jugement n° :

Affaire n° :

k+ Uwr r tguukqp'f g'r quvgu'qw'eqo r tguukqp'f øghge vku =

]í _

Nke gpelgo gpv'gp'ecu'f g'uwr r tguukqp'f g'r quvgu'qw'f g'eqo r tguukqp'f øghge vku"

g+ Uchw'eg"s wk'guv'gzr tguu² o gpv'r t² xw'cw'r ctc i tcr j g h"ek/cr t³ u"gv'r ct"r"
f kur qukkqp 35B. 'hjtus wg'ngu'p² e guuk² u'f w'ugt xke g'eqo o cpf gpv'f g'ke gpelgt'vqw'
hqpe vkppckt g'r ct'uwkg'f g'rc'uwr r tguukqp'f g'r quvgu'qw'f g'eqo r tguukqp'f øghge vku."

e0 ngu"vcxckngwtu"gpici²u"«"kstg"qeeckqppgn'r qwt"wpq"eqwtg"r²tkqf g0

50 Fgu'i ctcpxgu"cf²swcvgu"ugtqpvr²xwgu"eqpvtg"hg"tgeqwtu"«"fgu"eqpvcw"fg"
vcxckif"gfwt²g"fg²vgt o kp²g"xkucpv"«²mf gt"hc"r tqvgevkqp"fg²eqwcpvf g"hc"r²ugpvg"
Eqpxgpvkqp0

60 Rqwt"cwcpv"s wø_ tL

li _

Ct v erg 35

30 N go r n j { g w t " s w k ' g p x k u c i g " f g u " n e g p e k g o g p w " r q w t " f g u " o q v k u " f g " p c w t g "
 2 e q p q o k s w g . " v e j p q n j i k s w g . " u t w e w t g m g " q w ' u k o k r k t g " f g x t c <

g0 ð F g'pg'r cu'tgpqwxgrgt "]uqp_'eqpvcvf g'f wt² g'f² vgt o kp² g'f g'f gwz 'cpu'xgpw'
«'gzr kcvqp"ig"4: qevdtg"4238"jī _i =

120. NQti cplucvqp'kphqto gtc"qhhekgmgo gpv'rc'tgs w² tcvp'g'rg'9 ugr vgo dtg'4238'f'g'rc" f² ekukqp'r qt vcpv'ur r tguukqp'f'g'uqp'r quvg."uqk'ugr v'ugo clp'gu'cxcpv'nqzr ktcvqp'f'g' uqp'eqpvcv'kpvgtxgpwg'ng'4: qevqdtg'42380

121. Kiguv'eqpuvcv'v's wg'rc'f² ekukqp'r qt vcpv'ur r tguukqp'f'w'r quvg'f'g'rc'tgs w² tcvp'g'hcwg" f'g' et² f'ku' c"² v²" r tkug" gp" lwk" 4238" gv' «" gmg" pqvhlē g" rg" 9 ugr vgo dtg" 42380' NQti cplucvqp'c'f² ek'²" f'g' nmk'f' qppgt" ghgv'ng'4: qevqdtg'4238."f'cvg'«"rc's wmg"rc" tgs w² tcvp'g'f'gxck's wkvgt'NQti cplucvqp."uqp'eqpvcv'c'cpv'r tku'k0C'cpv'² v² f'kht² g." rc'f'cvg'f'g'r tkug'f'oghhg'v'f'g'rc'ur r tguukqp'f'w'r quvg'f'g'rc'tgs w² tcvp'g'kpkc'r ct'eq'pelf'gt" cxge'egmg'f'g'nqzr ktcvqp'f'g'uqp'eqpvcv'f'g'f'w² g'f² vgt o kp² g'f'g'f'gwz'cpu'gv'o qvkg'c" ng'pqp/tgpqwxgmg' gpv'f'g'uqp'eqpvcv'0C'kpk's wg'ng'Vtkdwp'cn'nqzr nks wgtc'ek'cr t³ u."rc" ur r tguukqp'f'g'r quvg'gv' nqzr ktcvqp'f'ogpi ci go gpv'f'g'f'w² g'f² vgt o kp² g' uqp'f'g'u" o qvku'f'kvp'eu'f'g'egucvqp'f'g'ugt'xkg."nqk'k'v'k'g'f'g'rc'ur r tguukqp'f'g'r quvg'c'cpv'² v² r tkug'cxcpv'nqzr ktcvqp'f'g'nqpi ci go gpv'f'g'f'w² g'f² vgt o kp² g'o

122. Ng'Vtkdwp'cn'eqpuk³ t'g" s'wg" rc" tgs w² tcvp'g' uoguv' xw' qhhekgmgo gpv' pqvhlēgt" rg" 9 ugr vgo dtg'4238."rc'f² ekukqp'r qt vcpv'ur r tguukqp'f'g'uqp'r quvg'cxge'ghgv'«'eqo r vgt" f'w'4: qevqdtg'4238."go r qt vcpv' pqp/tgpqwxgmg' gpv'f'g' uqp' eqpvcv' c'w'f'g'rc' egwg" f'gtplē t'g'f'cvg'0'Ng'9 ugr vgo dtg'4238."gmg" c'f'go cpf² "ng'eqpvcv'ng'j kē tctej ks wg'f'g'rc" f² ekukqp'r qt vcpv'ur r tguukqp'f'g'uqp'eqpvcv'«'gmg'pqvhlē g'rg'o 'o g'lqwt'0'Ng'Vtkdwp'cn' eqpuk³ t'g"s wogp'f'go cpf'cpv'ng'eqpvcv'ng'j kē tctej ks wg."rc"tgs w² tcvp'g'c'erc'k'go gpv'xku²" eqo o g'² vcpv'rc'f² ekukqp'eqpvcv'g'egmg'f'g'p'g'r cu't'gpqwxgmg' uqp'eqpvcv's wk² vck'f'g' f'w² g'f² vgt o kp² g'g'v'² vck'f'qpe"rc" eqpu² s'wgpe'g'f'g'rc"ur r tguukqp'f'g' uqp'r quvg'«' eqo r vgt'f'w'4: qevqdtg'42380'Nc'² r qpug'eqpu² ewkx'g'c'w'eqpvcv'ng'j kē tctej ks wg'xk'g'p'f'c" eqpht o gt" s'wg'vgn'² vck'ng'o qvhl'f'g'pqp/tgpqwxgmg' gpv'f'w'eqpvcv'f'g'rc"tgs w² tcvp'g." g'zr nks wcpv's wg'ē Jí _rc'f² ekukqp'f'g'p'g'r cu't'gpqwxgmg' nqpi ci go gpv'f'g'ng'rc"tgs w² tcvp'g." f² eqwck'p'cwm'gmg' gpv'f'w'ckv's wg'nq'p'p'cxck'v'r w'v'q'w'g'f'g'et² f'ku'ur r r'f'o gpv'k'gu' f'gr wku pqxgo dtg'4237 i'g'v'f'g'eqpenw'g's wg'ng'eqpvcv'f'g'rc"tgs w² tcvp'g'ē p'æ'r cu'² v²" tgpqwxgmg' hcwg'f'g'et² f'ku i'0'Ng'Vtkdwp'cn'eqpuk³ t'g'r ct'uwk'g's wogp'f'f'qk'rc" f² ekukqp' eqpvcv'g'x'c'w'k'g'p'elgo gpv'nq'k'k'v'k'g'f'g'rc'ur r tguukqp'f'g'r quvg'c'cpv'² v² r tkug'cxcpv' nqzr ktcvqp'f'w'eqpvcv'0'K'eqpuk³ t'g'² i'c'ngo gpv's wg'ng'hc'k'v's wg'rc'f'cvg'f'g'r tkug'f'oghhg'v' f'g'rc'f² ekukqp'r qt vcpv'ur r tguukqp'f'w'r quvg'f'g'rc'tgs w² tcvp'g'ckv'² v² f'kht² g'r qw'kpkc" r ct'eq'pelf'gt'cxge'egmg'f'g'nqzr ktcvqp'f'w'eqpvcv'f'g'egwg'f'gtplē t'g'p'g'xk'g'p'p'w'ng' gpv' o qf'kht'rc'pc'w'g'l'w'k'f'ks wg'f'g'rc'f² ekukqp'r qt vcpv'rc'g'p'elgo gpv'o

123. Guvko cpv's wg'rc'f'go cpf'g'f'g'eqpvcv'ng'j kē tctej ks wg'f'g'rc'f² ekukqp'r qt vcpv'pqp/ tgpqwxgmg' gpv'f'w'eqpvcv'f'g'f'w² g'f² vgt o kp² g'f'g'rc'tgs w² tcvp'g'r ct'gmg'r t² ugp'² g'rg" 9 ugr vgo dtg'4238'xkuck'² i'c'ngo gpv'ng'o qvhl'iq'wu/vgpf'cpv'rc'f² ekukqp'gp'ec'wug."«'uc'x'q'k' rc'ur r tguukqp'f'g'uqp'r quvg.'ck'puk's wkn't² uwn'g'f'g'eg's wk'r t² e³ f'g."ng'Vtkdwp'cn'eqpenw' s'wg'rc"tgs w² tcvp'g'g'v't'ge'g'cdng" "gp'eg's wogmg"cwcs wg'rc'f² ekukqp" r qt vcpv'ur r tguukqp'f'g'uqp'r quvg'o

124. Gp'eg's wk'eqpegt'pg'rc'f'gwz'kē o g'f² ekukqp'kt'ge'g'cdng" .ugmq'rg" f² hgp'f'gw."ng'Vtkdwp'cn't'gr'x'g's wg'rc'tgs w² tcvp'g'c."ng'4'o ctu'4239.'f'go cpf² "ng'eqpvcv'ng' j kē tctej ks wg'f'g'rc'f² ekukqp'i' +ē f'ogp'x'k'uci'gt'f'g'f'qppgt."eqpegt'pcpv'ng'rc'tgs w² tcvp'g'wp" cxku'f² hc'x'q'cdng'c'w'DCL'q'Á'j'gmg'c'² v² "kp'vgt'x'kg'² g'g'v'r t'guug'p'v'g'r qw'wp'g'ch'g'ev'cvqp" f'g'eqw'v'f'w² g'f'g'uk'² o qku i'0'Ng'Vtkdwp'cn'eqpuvc'g's wkn'p'g't² uwn'g'r cu'f'w'f'quukgt's wg" ng'DCL'ck'v'gh'g'ev'k'go gpv'uq'm'k'² f'g'rc'F'KIDUE'K's wgn'wg'c'x'ku'c'w'u'w'g'v'f'g'rc'tgs w² tcvp'g' p'k's wg'rc'F'KIDUE'K'ck'r tku'q'tc'ngo gpv'q'w'r ct'² et'k'v's wgn'wg'f² ekukqp'f'cpu'e'g'ugpu'o

125. Ng'Vtkdwp'cn'pg'r gw'x'q'k'f'cpu'v'gmg'f² ekukqp'lo guwt'g'j {r'q'v'² v's wg'wp'g'f² ekukqp" cf'o k'p'k'v'k'g'c'w'cs wcdng" f'g'cxcpv' nmk'c'w't'gi'ctf'f'g'rc"l'w'kur t'w'f'g'peg"dkgp"² vcdng" f'w'

nkpwtwevkqp"cf o kpkutcvkxg"UVICK423513"lwuswxcw"53 cqÁv'42390Nc"r tqe² f wtg"ugt c"
r ctcej gx² g"gv"nc"² ekukqp"r qtvcpv"uwr r tguukqp"fg"uqp"r quvg"gv"egmg"eqpu² ewkxg"fg"
pqp/tgpqwxgmg"gpvf g"uqp"eqpvcvf g"fw² g"² vto kp² g"fg"gwz"cpu"hcwg"fg"et² f ku"
r tgpftqpv"ghgvf g"hcw"ng"lqwt"fg"uqp"² r ctvf g"nQti cplucvkqp"ng"3 ugr vgo dtg"42390

135. Cwz"vto gu"fw"Uvcww"gv"² i ngo gpvf w"r gtupppgn"ng"Uget² vkt g"i² p² tcn"r gw"
o gwtg"hp"cw"ugt xkg"fg"vqw"hpvcvkppckg"eqphqto² o gpvcwz"eqpf kkpqu"cwcej² gu"«"
uc"pqo kpcvkqp"qwr qwt"nwp"fg"gu"tckuqpu"ur² ekh² gu"cwz"ctveng ; Ø"«"; Ø"fw"Uvcww"gv"
cwz"fkur qukkqpu ; Ø"«"; Ø fw"² i ngo gpvf w"r gtupppgn

136. Ngu'o qkhu"fg"eguucvkqp"fg"ugt xkg"tgn² xgpvf g"ekps"ecv² i qtkgu <

Cessation de service de plein droit (ope legis)

137. Kf"guv"fg"v{r gu"fg"eguucvkqp"fg"ugt xkg"² s wk"pko r nks wgpv"r cu"s wgrs wg"cevkqp"
wplkv² tcn"fg"nc"r ctvf vwp"r ctv² "nQti cplucvkqp"qwn"hpvcvkppckg"qwn"eqo o wp"
ceeqtf"fg"ur ctvkuØEg"uqpv<

c0 Gzr kcvkqp"fg"npgi ci go gpv"vgn"s wg"r t² xw"r ct"ngu"enwugu"fg"nc"ngwt"fg"²
pqo kpcvkqp"² kur qukkqpu ; Ø"kk²"gv"; Ø"fw"² i ngo gpv+ =

d0 F² e³ u"fw"hpvcvkppckg"² kur qukkqpu ; Ø"xk²"fw"² i ngo gpv+ =

e0 F² r ctv"«"nc"tgvctk²"ctveng ; Ø"fw"Uvcww"gv"fg"kur qukkqpu ; Ø"lx+"gv"; Ø"fw"
² i ngo gpv+0

Eguucvkqp"fg"ugt xkg"² f vwp commun accord des parties antérieure à l'expiration
f vwp ci go gpv"² article 9.3 a) vi) du Statut et disposition 9.6 c) vi) du Règlement)

138. Ugnp"ng"r tkpkr g"i² p² tcn"fg"nc"u{o² vkg"fg"gu"hqto gu"gp"² tqk²"eqpucet² r ct"nxf ci g"
ó " " ó"ng"eqpvcvf g"tvcxckn"eqpxgpvkqp"eqpugpuwmg."²
r gw"r tgpftg"hp"² f w"eqpugpvgo gpv"o wwgnt"fg"ur ctvkuØ

139. Kf"r gw"² vto ku"hp"«"vqu"ngu"v{r gu"vpgi ci go gpv"² «"vkt g"vgo r qtckg"fg"fw² g"
f² vto kp² g"qwn" «" vkt g" eqpvkpw"² kp² vto kp² lr gto cpgpv" uk" nc" dppg" o ctej g" fg"
nQti cplucvkqp"ng"eqo o cpf g"gv"eg"fg"cpu"ng"tgur gev"fg"pqt o gu"t² uwncpv"fg"nc"² Ej ctv²
fgu"² cvkpu"² Wpkgu"«"o qkpu"s wg"ng"hpvcvkppckg"² xku² "pøgp"eqpvug"nc"o guwt g."ncs wmg"
pg"r gw"² vto r tkug"s wg"uk"nkp² tgu² "pøgp"eqpvug"r cu"ng"dlgp/hqpf² 0Cwv go gpvf kv."ng"
Uget² vkt g"i² p² tcn"vpgu"² hqpf² "gp"² tqk²"r tgpftg"wp"² vng"o guwt g"s wg"² f w"eqpugpvgo gpv"
f wf kv"hpvcvkppckg."eg"eqpugpvgo gpv"eqpf kkpvcv"ncr r nckvkqp"² vwp"² vng"o guwt g"
gv"² nkpvcvk² s wg" ng" Uget² vkt g"i² p² tcn" r tgpft"fg"o gwt g" hp" «" uqp" gpi ci go gpv"
uøpcn{ucpv"gp"eg"ecu"gp"² vpg"² qht g"² hcw"² «"nkp² tgu² 0F w"lqwt"qÁ"eg"fg"gt pkt"² ncegr v²
gp"² vqw² hkdgt² "gv"wpkqek² .² egw² qht g"² xcw"² hgpckgo gpv"co kcdng."ngu"r ctvku"² qwxcv"
cnqtu"gp"² eqpxgpk"² xgt dcr go gpv"qwr ct"² etk0

140. Fcpu"ng"² lwi go gpv" " WPF V14232136; ." ng" Vtkdwpn" c" guvko² " s wg" vqw"
nckpckgo gpv"co kcdng"² f qpv"ngu"enwugu"² v"eqpf kkpqu"cw"² v² v² "p² i qek² gu"gp"² ncdugpeg"
fg"² vqw² "eqpvcvk² v² qw"² fg"² vqw² qn"gu"² v² r² o gpv"² guugpvkgn"² fg"² vqw² "dppg"² g"² vkw²
f vgo r nqk² s wk² qk² "² vto go gp² "² «"cr r nckvkqp"² gv"² j qpp² r ct"ngu"r ctvku"² eqpvcv"² v² v²

f g" nkp² t guu² . " c k p u k ' s w k n ' g u v ' f k v ' < " n c " u g e v k p p " 33 B " f g " n k p u t w e v k p p " c f o k p k u t c v k x g " [UVIC K4232150](#)

153. Ng " V t k d w p c n ' e q p u k f ³ t g " s w k n ' p o { " c " n k g w < " r t q e ² f w t g " f o g z c o g p " r c t " e q p e q w t ' s w g " f c p u n j { r q v j ³ u g " q A ' n k p p " f q k v ' t g u t w e w t g t " f g w z " q w ' r n u k g w u ' r q u v g u ' g v ' q A ' ² w p v f q p p ² " n k p g z k u g p e g . " g p " p q o d t g u ' u w h k u c p w . " f g " r q u v g u ' x c e c p w " e q t t g u r q p f c p v ' c w z " c r v k w f g u " f g " v q w u ' r g u " h q p e v k p p c k t g u " f g " n c " o ' o g " e n c u u g " x k u ² u ' r c t " n c " o g u w t g " f g " u w r r t g u u k p p " f g " r q u v g u . " c w " o q k p u " f g w z " f o g p v t g " e g w z / e k " g p v p f g p v ' v t g " o c k p v g p w u " c w " o ' o g " r q u v g O " G p " r c t g k i ' e c u . " k i ' h c w f t c k v ' u c p u " f q w g " v g p k t " f A o g p v ' e q o r v g " f g " n c " e q o r ² v g p e g " t g n c v k x g . " f g " n k p v ² i t k i ² g v ' f g " n c p e k g p p g v ² " f g " e j c e w p " f g u ' r t ² v p f c p w u " c w z " p q w x g c w z " r q u v g u ' g v ' f q p e " n g u ' e q o r c t g t " r q w t " e j q u k t " e g n k d e g w z " < " o c k p v g p k t " g p " h q p e v k p u " c w * z + " r q u v g * u + " x c e c p w u " f g " n c " e n c u u g " n c " r n w u ² r g x ² g O

154. Ng " V t k d w p c n ' e q p u k f ³ t g " g p " q w t g " s w g " n g " r c t c i t e r j g g + " f g " n c " f k u r q u k k p p ; B e q p e g t p g " v q w u ' r g u " h q p e v k p p c k t g u . " t g e t w ² u ' u w t " n g " r n c p " k p v g t p c v k p c n ' q w ' n q e c n g o g p v . " f ³ u " n j t u " s w k n ' p g " x k u g " r c u " g z r t g u u ² o g p v ' v g n g " q w ' v g n g " e c v ² i q t k g " f g " r g t u q p p g n O

155. î ' e g v ' ² i c t f . " n g " V t k d w p c n ' t e r r g n g " n g " r t k p e k r g ' i ² p ² t c n i ð . " i . " k i ' p g " h c w ' r c u ' f k u k p i w g t " n c " q A ' n c " n k ' p g " f k u k p i w g " r c u O

156. Ng " V t k d w p c n ' t e r r g n g " ² i c n g o g p v . " e q o o g " n k ' g u v ' f k v ' f c p u " n g " l w i g o g p v " " W P F V I 4 2 3 3 I 3 4 8 . " * e q p h k t o ² " g p " c r r g n ' r c t " n c t t ' v ' 4 2 3 3 / W P C V / 3 8 2 + " g v ' n g " l w i g o g p v " " W P F V I 4 2 3 4 I 3 9 : . " s w c w ' u q o o g v ' f g " n c " j k t e t e j k g " f g " n q t f t g " l w t k f k s w g " k p v g t p g " f g " n Q t i c p k u c v k p p " u g " v t q w x g " n c " E j c t v g " f g u " P c v k p u " W p k g u . " u w k x k g " r c t " n g u " t ² u q n w k p u " c f q r v ² g u ' r c t " n c u u g o d r f g " i ² p ² t c n g " f g u " P c v k p u " W p k g u . " n g " U v c w w ' f w ' r g t u q p p g n " n g " T ³ i n g o g p v ' f w ' r g t u q p p g n " n g u " e k t e w r c k t g u " f w ' U g e t ² v c k t g " i ² p ² t c n i ' g v ' n g u " k p u t w e v k p u " c f o k p k u t c v k x g u " * x q k t " l w i g o g p v " W P F V I 4 2 2 ; I 2 5 2 . " e q p h k t o ² " r c t " n c t t ' v ' " 4 2 3 3 / W P C V / 3 2 ; = " l w i g o g p v " " W P F V I 4 2 3 3 I 2 6 2 + " n g u " e k t e w r c k t g u . " f k t g e v k x g u " k p v g t p g u . " o c p w g n u " g v ' o ² o q t c p f w o u ' s w k ' q e e w g p v ' n g " d c u " f g " n c " j k t e t e j k g " ² w p v ' f ² r q w t x w u " f g " n c w q t k ² " l w t k f k s w g " f q p v ' u q p v ' k p x g u k u " n g u " v g z v g u " c f o k p k u t c v k h u " t ² i w k ² t g o g p v ' r t q o w i w ² u O

157. Ng " V t k d w p c n ' e q p u k f ³ t g " c w ' u w r n u ' s w g " n c " f ² e k u k p p " f g " n k e g p e k g t " n c " t g s w ² t c p v g " r c t " u w k g " f g " n c " u w r r t g u u k p p " f g " u q p " r q u v g " f g " e n c u u g " I / 6 " h c w g " f g " e t ² f k u " g v ' n c " f ² e k u k p p " u w d u ² s w g p v g " f g " p g " r c u " t g p q w x g r g t " r q w t " f g w z " c p p ² g u " u w r r f ² o g p v c k t g u " u q p " e q p v t c v ' f g " f w ² g f ² v t o k p ² g f g f g w z " c p u " * 4 : q e v q d t g " 4 2 3 8 / 4 : q e v q d t g " 4 2 3 : + " u q p v ' o c n h q p f ² g u " g p " f t q k ' r q w t " n g u " o q v k h u " e k / c r t ³ u O

158. Ng " b c p s w g " f g " e t ² f k u ² v c k v ' n g " o q v k i ' r t k p e k r c n t g v g p w ' r q w t " n g " u w r r t g u u k p p " f w ' r q u v g " g v ' n g " p q p / t g p q w x g n g o g p v ' f w e q p v t c v ' f g " n c " t g s w ² t c p v g O

159. î " e g v ' ² i c t f . " n g " V t k d w p c n ' t g n f x g " s w o ' c w e w p g " o g u w t g " d k g p " f ² v t o k p ² g " f g " t ² q t i c p k u c v k p p " r t q r q u ² g " r c t " n g " D U E K g v i q w f ² e k f ² g " r c t " n c u u g o d r f g " i ² p ² t c n g . " e q o o g " n c " u w r r t g u u k p p " f g u " r q u v g u " f o c u u k x c p v ' c f o k p k u t c v k h " h c w g " f g " e t ² f k u " p o c " r t ² e ² f ² " n c " u w r r t g u u k p p " f w ' r q u v g " f g " n c " t g s w ² t c p v g O

160. Ng " f ² h g p f g w " c " u q w g p w ' f c p u " u g u " ² e t k w t g u . " { " e q o r t k u " u q p " o ² o q k t g " f g " e n f / w t g . " s w g " n g " r q u v g " f g " n c " t g s w ² t c p v g " ² w k v ' h k p c p e ² " u w t " n g " e q o r v g " Q I C . " u q w e g " f g " h k p c p e g o g p v ' g z w c d w f i ² v c k t g " ² i c n g o g p v ' f ² p q o o ² " E q o r v g " f g " t g o d q w t u g o g p v ' f w " D U E K O ' v c d r k ' n g " 3 st l c p x l g t " 4 2 2 3 . " n g " e q o r v g " Q I C " g u v ' n g " n k g w " f g " f ² r 1 / 2 ' f g u " t g o d q w t u g o g p v u " x g t u ² u ' c w ' D U E K ' g p " e q p v g r c t v k g " f g u " u g t x l e g u " h q w t p k u " c w z " h q p f u " g v ' r t q i t c o o g u " f g u " P c v k p u " W p k g u O " N c " F K D U E K " c { c p v ' t ² f w k ' n g " x q i m o g " f g " e g " v { r g " f g " r t g u v c v k p u " u w l g w g u " < " t g o d q w t u g o g p v ' g p " 4 2 3 2 / 4 2 3 3 . " n g u " t g u u q w t e g u " f w e q o r v g " q p v ' e q o o g p e ² " < " u g " v c t k O " N g "

f g t p l g t " f ² r ½ ' u w " r g " e q o r v g " Q K C " c { c p v ' ² v ² " g p t g i k u m ² " g p f ² e g o d t g " 4 2 3 5 . " « " r c " f c v g " f g p q x g o d t g " 4 2 3 6 . ' h g u ' t g u u q w e g u f w e q o r v g ' p g ' r q w x c k g p v r n w u ' r g t o g w t g f g ' e q p v k p w g t " f g ' h k p c e p g t ' h g u ' t q k u ' r q u v g u f ø c u u k u v c p v ' c f o k p k u t c w k 0 F g " 4 9 ; . 5 4 ' f q m c t u ' / W ' c w ' 5 2 ' l w k p " 4 2 3 8 . ' i g ' u q r f g ' f w e q o r v g ' u ø v c d n k u u c k v ' « " o q k p u " 8 ; 2 ' f q m c t u " / W ' c w ' 5 3 f ² e g o d t g " 4 2 3 8 0 ' Q t . " k i ' t g u u q t v ' f g " n " e q t t g u r q p f c p e g " f g " h ² x t k g t " 4 2 3 7 " s w g " r g " e q o r v g " Q K C " c " ² v ² " k p e q p v g u v c d r g o g p v ' n q d l g v ' f ø r ² t c v k p u . " u q w u " r c " h q t o g " f g " f ² r ½ ' u f g " o q p v c p v u " g v f g " r c k g o g p v u f k x g t u 0

161. F c p u " u c " t ² r q p u g . " r g " f ² h g p f g w t " c " k p f k s w ² " s w g " f w ' 3

tgs wkugu"r qwt"ng"pqwgcw'r quvg."uwtvqw's wcpf "qp"uckv's wg"ugu"r gthqt o cpegu" r gpf cpv'ugu"38"cpp2 gu"f g"ecttk3 tg"f2 r cuuckgpv'ngu"cwgpvgu."c { cpv'2 v2 "lwi 2 gu" tgo cts wcdngu0

560 Xw' eg" s wk' r t2 e3 f g." ki' pøguv' r cu' f qwgwz" s wg" O ° s Gr/Mj qn{ " cxckv' 2 v2 " kphqt o 2 g's wømg'2 vck/vqwej 2 g'r ct 'nc't guv we wt cvkqp"gv's wømg'tkus wckv'f g'r gtf tg" uqp"go r mq'r ct'uwkvg'f g'rc'uw r tguukqp"fg"uqp'r quvg0Vq wghjku."rc'xtckg's wguvqp" guv'egmg'f g"ucxqkt"uk'ng"RP WF "nwk'cxckv'qhht v'f gu'r quvgu'xcepwu'eqtgur qpf cpv' «"ugu"cr vkwf gu'f wt cpv'nc"r2 tkqf g'f øcr r gn'«"ecpf kf cwtg"2 vcpv'f qpp2 "nqtf tg"fg" r tkqtk2 "kpuvw2"r ct'ngu'f kur qukukpu ; Ø g+."i +gv'35Ø"f +0Qp"nc'f kv'r nuu'j cw."rc" t2 r qpug'guv'e pqp i 0NøCf o kpkmtcvkqp"pøc'r cu'f2 r mq'f2 "f g'dqppg'hqk'vqu'ghhtw" tckuqppcdngu'r qwt'gzco kpgt'rc'ecpf kf cwtg'f g'O ° s Gr/Mj qn{ "«'f gu'r quvgu'xcepwu" eqttgur qpf cpv'«"ugu"cr vkwf gu"«"nwk'r tqr qugt"uqp"r quvg"cpv'2 v2 "uw r tko 2 ."chkp" f ø xkgt" f cpu" vqwg" rc" o guwtg" f w' r quukdng" f g" o gwtg" hkp" cw' ugtxkleg" f øwp g" hqpevkppcktg"vkwrc'ktg'f øgpi ci go gpv'r gto cpgpv0

174. Cw'uwtr nuu'ng'Vtkdwpnc'f øcr r gn'xkpgf tc'r ct'uqp'ctt'v' "4239/WP CV/987." t2 chkt o gt'rc'nuu'wkwqp"fg'nøctt'v' "gp'egu'vgt o gu <

530 Ng'Vtkdwpnc'f øcr r gn'eqpxkqp's wg"ng"nkegpeigo gpv'f g"O 0Hucupgmc"2 vckv' kt2 i wktg." gpeqtg" s wkt' pg" uquwetkxg" r cu" cw' tckuqppgo gpv' s wk' c" eqpf wkv' ng" Vtkdwpnc'f wøqpvvgwz"«'eqpenw'g'gp'eg'ugpu0Kikpego dg'f cpv'wp'r tgo kgt'vgo r u" «'nøCf o kpkmtcvkqp"fg'r tqwgt"uø v'g'eqphqt o 2 g'cwz'r tguetkr vkqpu'f wT3 i ngo gpv' gp'o gwcpv'hkp"cw'ugt xkleg'f g'O 0Hucupgmc'0Ego o g'ng'VEP W'nc'eqpuvc2."gmg'pg" uøguv' r cu" ces wkw2 g" f g" egwg" ej cti g0' O 0Hucupgmc" ó" gv' vqw" hqpevkppcktg" r gto cpgpv'o gpce2 "f g'nkegpeigo gpv'r ct'uwkvg'f g'rc'uw r tguukqp"fg"uqp"r quvg"ó" f qkv'o cpkhuvg'f g'nkp'v2 t'v'r qwt'vgn'pqwgcw'r quvg"gp"uø{ "r qt vcpv'r ngkpo gpv' ecpf kf cv'gp"vgo r u"wkng =cwtgo gpv."nøCf o kpkmtcvkqp"ug"nxtgtckv'«"wp'g"xckpg" gpv'gr tkug"gp"vcpv'f øcr r ct'kgt "vgn'hqpevkppcktg"r gto cpgpv'gv'vgn' quvg"s wkt' pøcegr vgtckv' r cu0' O 0Hucupgmc" c" dgn' gv' dkp" r quwv2" «' f gwz" r quvgu" gv' nøCf o kpkmtcvkqp"p'g'r t2 vpf 'r cu's wkt'pg'lwukhckv'r cu'f gu's wcnkhec'vkpu'tgs wkugu" r qwt'nguf ku'r quvgu0

540 Egr gpf cpv.'ng'Vtkdwpnc'f øcr r gn'guvko g's wg."wpg'hqku'rc'r tqe2 f wtg'f øcevg'f g" ecpf kf cwtg'cej gx2 g."nøCf o kpkmtcvkqp"guv'vpgw'f g'r ct'nc'f kur qukukqp 35Ø"f +f w' T3 i ngo gpv'f øgzco kpgt"«'vktg'r t2 h' tgpvgn'qw'gp"fg'jt u'f g"vqwg"r tqe2 f wtg'f g" eqpeqwu'rc'ecpf kf cwtg'f g"vqw'hqpevkppcktg"pqo o 2"«'vktg'r gto cpgpv."ng'dw' 2 vcpv'f g"ng"o clpv'p'gp"r quvg"gv'eg."gp"cr r t2 ekcpv'uk'nkp'v2 tguu2"r quu3 f g"ngu" cr vkwf gu'tgs wkugu'r qwt'ng'r quvg'gp"s wguvqp."gp'vcpv'eqo r v'g'uc'eqo r 2 vpeg" tgn'v'xg."f g'uqp'kp'v2 i tk2 "gv'f g'uqp'cpekppgv2."ckpuk's wg'f øcwtgu'hcevgw'u'eqo o g" uc'pcv'kpcrk2 "gv'uqp'ug'ng0EO cvkpcrk2 z"ngu

186. ~~MgHVtZBppDyxQDpCwgWRXBE00DID3h qe p e G W'rt² @p²'la i go gpv."r"~~
tgs w² tcpvg"ug"vqwxg"nk² g"cw'DNV"qw'«"vqw'cwtg"f²r ctgo gpv'«"P gy "l qtn'r ct"wp"
eqpvcv'go r qtckg'xgpcpv'«"gzz kcvkp"cxcpv'g"4: qewdtg"423: .f cvg"«"rswmg"gm"c"
f go cpf²" «" 'vtg" t² chge² g" «" wp" cwtg" f²r ctgo gpv" r ct" cr r kcvkp" f gu"
f kur qukkpu ko r² tcvxgu'f g"rc"ugevqp"330" d+f g"nkpust wevqp"UVICK423215."rg"Uqwu/
Uget² vkt g"i² p² tcn'«"r"i guvqp" f gu"t guuqtegu"j wo ckpgu'f gxtc."cxcpv'ngzr kcvkp" f g"
uqp"eqpvcv'f² ekf gt. 'f g'eqpegt v'cxge'rc'tgs w² tcpvg"gv'ng* u+ej gh* u+f g"dwgcw."q'cwtqp'
² v² " tgegpu² u" f gu" r quvgu" xcecpw" eqto " t

n° s wxcrgpvf gu'eqvkucvkpu*uc'r ctv'gvegm'f g'nQti cplucvkp+f wgu'«'re'Eckaug'cw'vkt g"
f g'egwg'r² tkqf g0

190. Fcpu'nj { r qvj³ ug'qÁ'gm'f go gwtgck'ucpu'go r nq'l'wus wæw'r tqppæ² 'f w'r t² ugv'
lwi go gpv'gv'qÁ'uq'p'ucww'pæw'ck'r cu'ej cpi² 'l'wus wæw'4: qevqdtg'423: . 'ng'f² hgp'f gwt"
f gxtc'xgtugt "«'re'tgs w² tcpvg'uq'p'v'ckgo gpv'f g'dcug'pgv'eqtgur qpf cpv'«'re' r² tkqf g"
r gpf cpv'rcs wng'gmg'cw'c"² v² "ucpu'go r nq'k'uqk'f w'3st cw'34 ugr vgo dtg'4239'gv'f w'
: qevqdtg'4239'cw'4: qevqdtg'423: *f w'34 ugr vgo dtg'cw': qevqdtg'4239. 're'tgs w² tcpvg'
c"² v² " go r m{² g" «' vktg" vgo r qtckg" cw' Ecdkpgv' f w' Uget² vktg" i² p² tcn' c'k'puk' s wg"
n° s wxcrgpvf gu'eqvkucvkpu*uc'r ctv'gvegm'f g'nQti cplucvkp+f wgu'«'re'Eckaug'cw'vkt g"
f g'egwg'r² tkqf g0

191. Gp f² ego dtg'4236. 'nCuugo dr'g"i² p² t'cng" c"o qf khk' "ng'vzvg'f g'nctvkeng 32'f w'
Ucww'f w'Vtkdwpn'f w'eqpv'p'v'kwz'gp'uq'p'r ctc'ci tcr j g 7'd+r' qwt² f'k'vgt'ko r² t'cv'xgo gpv'
s wg'ng'Vtkdwpn'f w'eqpv'p'v'kwz'pg'r gw'q'v'q' { gt'f'æpf go pks² s wg'è r qwt' r² t'lw'k'eg"
cx² t² i O'K'f'æci k'v'æ'f'æ'p'g'r' t'guetk' vkp'f g'pcwtg'«'re'hq'ku'wdu'v'p'v'kwz'ng. 'h'æpf go pks² 'pg"
r qwxcpv' v'g'æ'v'q'f² g's wægp' r t² u'p'eg'f g'r t² lw'k'eg. 'gv'r t'q'æ² f w'cng. 'ng' r t² lw'k'eg'f g'xcpv'
v'g'cx² t² 0

192. Ugrpp'ng'D'm'æ'm'i'Ncy 'F'k'v'q'p'ct { .8st f 0*3; ; 2+ 'ng'v'g'to g'è r t² lw'k'eg i² u'æ'p'v'p'f"
f g'è]v'q'wg_r' g't'v'g'w'c'w'g'k'p'v'g'w'd'k'g'gh'g'v'k'x'go gpv'r ct'w'p'g'r' g't'v'q'p'p'g's wng's wægp'uqk'
re'ecwug i² *x'q'kt' r 093: +0

193. K'i' uwk'f g'g' n' s wg' nctvkeng 3207' d+f w' Ucww'f w' Vtkdwpn'f w' eqpv'p'v'kwz' pg"
f k'v'k'p'i wcp'p'w'ng' gpv'gpv'g'r t² lw'k'eg'eq'r q't'gn' r t² lw'k'eg'o c'v² t'k'gn'gv'r t² lw'k'eg'o q't'cn"
re'f'kur'q'k'v'k'p' x'k'ug'v'q'w'r t² lw'k'eg's wng's wægp'uqk'rc'pcwtg. 'g'p'eq't'g'hc'w'k'i's w'k'i'uqk'
cx² t² 'gp'v'q'wg'ek'eq'p'v'c'p'eg0

194. Cw'r ctc'ci tcr j g 63'f g'uq'p'ctt'v' "4237/WP CV/727. 'ng'Vtkdwpn'
f æ'r r gn'f gu'P'c'v'k'p'u'w'p'k'g'u'c'f'k'v'eg's w'k'uwk'*p'q'v'g'u'f g'dcu'f g'r ci g'q'o k'ug'+<

]U'k'u'gu'v'x't'ck's w'g'v'q'wg'x'k'q'v'k'p'f g'u'f t'q'ku'c'w't'gur gev'f g're'f' i' c'k'æ² 'p'æ'q'w't'g'r' cu'
h'q'te² o gpv'f t'q'k'v'æ'k'p'f go p'k'v'k'p'v'k'p'. 'v'q'w'r t² lw'k'eg't² u'w'nc'p'v'f æ'd'c'p'f q'p'gv'f g'v'p'k'p'p'
p'g't'x'g'w'g'q'w'x't'g'f t'q'k'v'æ'«'t² r c't'c'v'k'p'0'c'æ'eq't'f g't'w'p'g'k'p'f go p'k'v'k'p'p'gp't² r c't'c'v'k'p'
f'æ'p' r t² lw'k'eg'p'q'p' r² e'w'p'k'k't'g'eg'p'æ'g'u'v' r cu'q'v'q' { gt'f'g'u'f q'o o ci gu'k'p'v² t'v'
r w'p'k'k'u' q'w' g'z'go r n'c't'g'u' v'g'p'f cpv' «' r w'p'k't' n'Q't'i c'p'k'v'k'p'p'g'v' «' re'f'k'u'w'c'f g't'f'g'
eq'o o g'w't'g'v'q'wg'x'k'q'v'k'p'f c'p'u'n'æ'x'g'p'k't0

195. Gp'q'w't'g. «'n'æ'q'æ'c'v'k'p'f g'n'æ'h'c'k'g' "4239/WP CV/964. 're'ej co dtg'r r'f' p'k'æ't'g'
f w'Vtkdwpn'f æ'r r gn'c'f² ek'f² «'re'no cl'q't'k'æ² 'eg's w'k'uwk'*p'q'v'g'u'f g'dcu'f g'r ci g'q'o k'ug'+<

840 Ng'r q'w'x'q'k't² u'w'nc'p'v'f w'Ucww'f w']Vtkdwpn'f w'eqpv'p'v'kwz_'f'æ'v'q' { gt'w'p'g"
k'p'f go p'k'æ² 'gp'æ'cu'f g'r t² lw'k'eg'eq'o r t'g'p'f 're'r' qu'k'd'k'k'æ² 'f'æ'æ'eq't'f g't'² r c't'c'v'k'p'gp"
r t² u'g'p'eg'f g'r t² lw'k'eg'p'q'p'r c'v'k'o q'p'k'c'n'q'w'o q't'c'n'0'Q't. 'f'g're'no' o' g'hc'æ'p'p. 'ng'Ucww'
f w']Vtkdwpn'f w' eqpv'p'v'kwz_' k'p'v'g't'f'k'v' gp' uq'p' c't'v'k'eng 32'9+' cw']Vtkdwpn'f w'
eqpv'p'v'kwz_' f'æ'v'q' { gt'f'g'u'f q'o o ci gu'k'p'v² t'v' u' g'z'go r n'c't'g'u' q'w'r w'p'k'k'u'0' N'e"
n'k'i'p'g'f'g'f² o c't'c'v'k'p'gp'v'g'f'q'o o ci gu'k'p'v² t'v' u' o q't'c'w'z' g'v'f'q'o o ci gu'k'p'v² t'v' u'
g'z'go r n'c't'g'u'p'æ'g'u'v' r cu'p'g'w'g'0'E'æ'g'u'v' r q'w't's w'q'k' r q'w'f'q'p'p'g't' n'k'g'w'æ'«'t² r c't'c'v'k'p'v'q'w'
r t² lw'k'eg'o q't'c'n'f'q'k'v' v'g'cx² t² 0'E'æ'g'u'v'eg'w'g'z'k'i' g'p'eg'f'g'r t'w'f'g'p'eg's w'k'c'c'w'h'q'p'f"
eq'p'f w'k'n'æ'Cuugo dr'g'g' i² p² t'cng'«'o qf khk'g't'ng'vzvg'f g'nctvkeng 32'7+'d+'f w'Ucww'
f w']Vtkdwpn'f w'eqpv'p'v'kwz_' r ct'uc't² u'q'n'w'k'p'8; 4250'R'q'w't's w'k'i' { 'c'k'v'k'g'w'æ'
t² r c't'c'v'k'p'p. " ur² ek'ng'o gpv' gp" o c'v'æ² t'g'c'w' "d p'v'k'wz_'f'æ'v'q'e

Affaire n° : UNDT/NY/2016/060
Jugement n° : UNDT/2017/070

Affaire n° : UNDT/NY/2016/060
Jugement n° : UNDT/2017/070

d0 f qppgt."eqphqto 2 o gpv' <"n" r i kuncvqp" gv' <"n" r tcvks wg" pcvqpcngu."
cwuuk' npi vgo r u" <"ncxcpeg" r quukdr." nqecucqp" cwz " tgr t2 ugpvcvu" f gu"
vcxcckngwtu" kv2 tguu2 u" f o' vtg" eqpuwn2 u" uw " ngu" o guwt gu" <" r tgpftg" r qwt"
r t2 xgpk" qw' nko kvgt" ngu" rkegpeko gpvu" gv' ngu" o guwt gu" xkucpv' <" cw2 pwtg" ngu"
ghgw" f2 hcxqtcdrgu" f g" vqvw' rkegpeko gpv' r qwt" ngu" vcxcckngwtu" kv2 tguu2 u."
pqvco o gpv' ngu" r quukdrk2 u" f g' tgercuugo gpv' f cpu' wp" cwtg" go r nkl0

* +
Lwi g' Cnguucpf tc" I tgegcpw
Ckpu' lwi 2 " ng" 48" lwp" 423:

Gptgi kum2 "cw" I tghg" eg" 48" lwp" 423:

* +

O qtvgp' Cndgtv' O lej gnuip. 'Cf o kpkutcvgt' ej cti 2 " f w' I tghg. " P gy " l qtm