UNITED NATIONS DISPUTE TRIBUNAL	Case No.:	UNDT/GVA/2018/0 8
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18. O% : A"g"s& 2018 &/e A99.-0a%& 8as se9a+a&e# f+o$ se+1-0e.

19. O% 1(A"g"s& 2018 9"+s"a%& &o .ea1e g+a%&e# *, &/e T+-*"%a. &/e Res9o%#e%& f-.e# a% a##-&-o%a. s"*$-ss-o% -% 1-e8 of e1e%&s o00"++e# af&e+ &/e f-.-%g of /-s +e9.,. T/e Res9o%#e%& /-g/.-g/&e# a##-&-o%a. effo+&s "%#e+&aDe% *, &/e S&+a&eg-0 P.a%%-%g a%# S&aff-%g D-1-s-o% ;>SPSD?=7 Off-0e of 4"$a% Reso"+0es 3a%age$e%& ;>O4R3?= as 8e.. as *, &/e 3EU &o a1o-# &/e &e+$-%a&-o% of &/e A99.-0a%&Cs 0o%&-%"-%g a99o-%&$e%&7 %a$e., &/e fo..o8-%g: &/e A99.-0a%& 8as

8e.. as &/e #-s0.os"+e of a##-&-o%a. #o0" $e%&s a%# of a%%eE 12 &o &/e Res9o%#e%&Cs +e9.,7 8/-0/ /a# *ee% f-.e# ex parte.

22. B, O+#e+ No. 112 ;GVA/2019= of 10 De0e$*e+ 20197 &/e T+-*"%a. fo"%# &/a& %e-&/e+ a /ea+-%g %o+ a##-&-o%a. #-s0.os"+e of #o0" $e%&s 8as %ee#e# &o a#A"#-0a&e &/e 0ase a& /a%#. T/e T+-*"%a. o+#e+e# &/a& a +e#a0&e# 1e+s-o% of a%%eE 12 &o &/e

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*"#ge& fo+ A$e%#e# P+o&o0o. II a%# P+o&o0o. V7 8/-0/ eE9+ess., 9+o1-#e# fo+ a P6< 9os& 8-&/-% ISU. T/a& *"#ge& a.so s/o8s &/e *+eaD#o8% of &/e 0os&s of sa-# 9os&. I% fa0&7 a 0os& 9+o1-s-o% of USD2:(7000 as >#-+e0& s&aff 0os&s of o%e PG6H< fo+ 12 $o%&/s? 8as -%0."#e# &/e+e-% ;see 9a+a. 2 of CC@/3SP/201(/'7 Es&-$a&e# Cos&s7 2018 3ee&-%g of &/e 4-g/ Co%&+a0&-%g Pa+&-es &o &/e Co%1e%&-o%=.

28. I% 9a+&-0".a+7 &/e 29 No1e$*e+ 201(Re9o+& o% &/e 4CPs $ee&-%g /e.# -% Ge%e1a f+o$ 22 &o 2< No1e$*e+ 201(;see a%%eE 9 &o &/e Res9o%#e%&Cs +e9.,=7 0.ea+., -%#-0a&es o% &/-s $a&&e+ &/a& &/e 0os& of &/e $ee&-%gs s/a.. 0o$9+-se &/e 0os& of &/e Se0+e&a+-a&Cs a0&-1-&-es &o *e 9e+fo+$e# *, &/e ISU a%# &/a& &/e 3ee&-%g a#o9&e# a% o9e+a&-o%a. *"#ge& fo+ 2018 a%# a 9+e.-$-%a+, *"#ge& fo+ 2019. T/e T+-*"%a. 0o%s-#e+s &/a& 8-&/ &/e 0o%&e%& of &/-s #o0"$e%& &/e A99.-0a&Cs *"+#e% of 9+oof -s $e& &/"s +e%#e+-%g %o& %e0essa+, &o g+a%& /-s +eI"es& fo+ a##-&-o%a. e1-#e%0e.

29. T/e a99+o1a. of a% o9e+a&-o%a. *"#ge& -s 9a+&-0".a+., +e.e1a%& *e0a"se -& 8as &aDe% o% 2262< No1e$*e+ 201(7 %a$e., af&e+ UNODA eE9+esse# -&s 1-e8 a*o"& &/e #-ff-0".&-es &o /a1e &/e ISU s&affe# fo+ 2018 ;see 9a+a. 8 a*o1e=.

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#. S-$9., a#1e+&-s-%g 9os&s a%# +eI"-+-%g &/e 0o%0e+%e# s&aff e*e+ &o a99., a%# 0o$9e&e fo+ &/e sa$e #oes %o& #-s0/a+ge &/e *"+#e% of &/e A#$-%-s&+a&-o%J

e. T/e A#$-%-s&+a&-o% -s *o"%# &o ass-g% &/e affe0&e# s&aff e*e+s /o.#-%g 0o%&-%"-%g o+ -%#ef-%-&e a99o-%&$e%&s o% a 9+efe++e# *as-s -%&/e o+#e+ of 9+efe+e%0e 9+es0+-*e# -% S&aff R".e 9.:J

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g. T/e &e+$ >s"-&a*.e 9os&s? $"s& *e -%&e+9+e&e# %o& o%., as 9os&s a& &/e s&aff e*e+Cs #"&, s&a&-o% a%# a& &/e s&aff e*e+Cs g+a#e .e1e. a%# 8-&/-% &/e sa$e f"%0&-o%a. g+o"9 as 9e+ &/e 9os-&-o% &-&.e7 *"& a.so a.. &/e .o8e+ a1a-.a*.e s"-&a*.e 9os&s -% &/e sa$e #"&, s&a&-o%7 fo+ 8/-0/ &/e s&aff e*e+ /a# eE9+esse# -%&e+es& *, 8a, of a99.-0a&-o% &/e+e&o.)o+ &/e P+ofess-o%a. .e1e. s&aff e*e+s7 >s"-&a*.e 9os&s? a+e a.so a1a-.a*.e s"-&a*.e 9os&s 0o1e+-%g &/e e%&-+e 9a+e%& o+ga%-Ba&-o%7 -%0."#-%g *"& %o& .-$-&e# &o &/e #"&, s&a&-o% of ass-g%$e%& ;o% &/-s $a&&e+7 see a.so !"#g$e%& NakIhawi UNDT/201:/20<7 %o& a99ea.e#7 a& 9a+a. 9 =.

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<:. T/e UNA#T /e.# &/a& &/e o*.-ga&-o% of &/e A#$-%-s&+a&-o% "%#e+ fo+$e+ s&aff +".e 109.1;0= $ea%& &/a& >o%0e a bona fide #e0-s-o% &o a*o.-s/ a 9os& /as *ee% $a#e a%# 0o$ $"%-0a&e# &o a s&aff e*e+7 &/e A#$-%-s&+a&-o% -s *o"%# Kaga-%7 -% goo# fa-&/ a%# -% a %o%6#-s0+-$-%a&o+,7 &+a%s9a+e%& $a%%e+K&o #e$o%s&+a&e &/a& a.. +easo%a*.e effo+&s /a# *ee% $a#e &o 0o%s-#e+ &/e s&aff e*e+ 0o%0e+%e# fo+ a1a-.a*.e a%# s"-&a*.e 9os&s? ;UNA#T !"#g$e%& No. 1<097 Hussain ;2008==.

<(. T/e fo+$e+ UNA#T f"+&/e+ %o&e# -% -&s !"#g$e%& No. :(97 Fagan ;199<=7 &/a& &/e a99.-0a&-o% of fo+$e+ S&aff R".e 109.1;0= 8as:

> 1-&a. &o &/e se0"+-&, of s&aff 8/o7 /a1-%g a0I"-+e# 9e+$a%e%& s&a&"s7 $"s& *e 9+es"$e# &o $ee& &/e O+ga%-Ba&-o%Cs +eI"-+e$e%&s +ega+#-%g I"a.-f-0a&-o%s. I% &/-s 0o%%e0&-o%7 8/-.e effo+&s &o f-%# a.&e+%a&-1e e$9.o,$e%& 0a%%o& *e "%#"., 9+o.o%ge# a%# &/e 9e+so% 0o%0e+%e# -s +eI"-+e# &o 0oo9e+a&e f"..,-% &/ese effo+&s7 s&aff +".e 109.1;0= +eI"-+es &/a& s"0/ effo+&s *e 0o%#"0&e# -% goo# fa-&/ 8-&/ a 1-e8 &o a1o-#-%g7 &o &/e g+ea&es& eE&e%& 9oss-*.e7 a s-&"a&-o% -% 8/-0/ a s&aff e*e+ 8/o /as $a#e a 0a+ee+ 8-&/-% &/e O+ga%-Ba&-o% fo+ a s"*s&a%&-a. 9e+-o# of /-s o+ /e+ 9+ofess-o%a. .-fe -s #-s$-sse# a%# fo+0e# &o "%#e+go *e.a&e# a%# "%0e+&a-% 9+ofess-o%a. +e.o0a&-o%.

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0. I% &/-s 0o%&eE&7 so$e #-ff-0".&-es 0a% 0o%0e+% &/e assess$e%& of a s&aff e*e+Cs >s"-&a*-.-&,? fo+ &/e a1a-.a*.e 9os&s a%# &/e 0+-&e+-a &/a& &/e O+ga%-Ba&-o% /as &o fo..o8 -% &/-s assess$e%&. T/e +e0a..e# UNAT Timothy !"#g$e%& g-1es a 0.ea+ g"-#a%0e fo+ &/a&.

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> 82. T/e A99.-0a%&Cs a99.-e# fo+ 1a0a%& 9os&s a& &/e G6 a%#/o+ G6: .e1e. *"& /-s Ao* a99.-0a&-o%s 8e+e +eAe0&e#. 3+. N. &es&-f-e# &/a& &/e A99.-0a%& 0o".# /a1e a99.-e# &o &/e #-g-&a. s0a%%-%g 9os&s7 as &/ose 8o".# /a1e $a&0/e# /-s eE9e+-e%0e7 *"& /e #-# %o& #o so. T/e e1-#e%0e -% &/-s 0ase #e$o%s&+a&es &/a& &/e A99.-0a%& 8as +eI"-+e# &o 0o$9e&e 0o$9e&-&-1e., fo+ a1a-.a*.e 9os&s7 -%0."#-%g aga-%s& %o%6

o%"s -s o% &/e A#$-%-s&+a&-o% &o 0a++, o"& &/-s seI"e%&-a. eEe+0-se 9+-o+ &o o9e%-%g &/e 1a0a%0, &o o&/e+s 8/e&/e+ *, a% a#1e+&-se$e%& o+ o&/e+8-se. A00o+#-%g.,7 a% asse+&-o% &/a& &/e A99.-0a%&Cs s"-&a*-.-&, 0o".# %o& *e 0o%s-#e+e# fo+ a%, 1a0a%& 9os-&-o%s -f s/e /a# %o& a99.-e# fo+ &/e$ -s a% "%A"s&-f-a*.e g.oss o% &/e 9.a-% 8o+#s of s&aff +".es 9.:;e= a%# 1'.1;#= a%# -$9oses a +eI"-+e$e%& &/a& a #-s9.a0e# s&aff e*e+ /as &o a99., fo+ a 9a+&-0".a+ 9os& -% o+#e+ &o *e 0o%s-#e+e#. If &/a& 8as &/e -%&e%&-o%7 &/e s&aff +".e 8o".# /a1e

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:9. Co%s-#e+-%g &/e .e%g&/ of &/e A99.-0a%&Cs se+1-0e7 &/e s/o+& %o&-0e fo+ &e+$-%a&-o% g-1e% &o /-$7 a%# &/e *"#ge& 9+o1-s-o% 0o%&a-%e# -% &/e +es9e0&-1e Re9o+& fo+ &/e 8/o.e ,ea+ of 20187 a%# a& a 9+o1-s-o%a. .e1e. fo+ 20197 a%# &/e fa0& &/a& #es9-&e &/e eE-s&e%0e of a s"-&a*.e 1a0a%& 9os& a& &/e A99.-0a%&Cs #"&, s&a&-o% -% /-s #e9a+&$e%& %o 0o%s-#e+a&-o% 8as g-1e% &o $a-%&a-%-%g /-s se+1-0es *, .a&e+a. &+a%sfe+7 &/e T+-*"%a. se&s &/e a$o"%& of 0o$9e%sa&-o% a& &8o ,ea+sC %e& *ase sa.a+,.

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