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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/070

Judgment No.: UNDT/2023/109

Date: 2 October 2023

Original: English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Eric Muli, Officer-in-

## **Introduction**

1. The Applicant is a former National Professional Officer in the Civil Affairs Division at the United Nations Mission in South Sudan based in Abyei. On 1 September 2023, she filed an application contesting three decisions which she identifies as:

- i. the decision of the Secretary-General to close investigations



10. regarding the decision to close investigations without conducting any investigation or producing a report, was fully litigated in *Ocokoru I*. In 2015, the Dispute Tribunal analyzed at length the evidence relating to the Administration failures to investigate her claim of sexual assault by another staff member at UNMISS (*Id.* at paras. 59 - 82, 129(a) (c)). The UNDT found that the responsible officers at the mission all defied the procedures required by ST/AI/371 for dealing with reports of misconduct. [As a result, and] contrary to the expectations of good management and good practice the Applicant was denied meaningful closure having made a serious claim of being the victim of sexual assault (*Id.* at paras. 129 (b) (c)). This finding resulted in compensation awarded to the Applicant.

11. Similarly, the payment of that award, and the interest thereon, was the subject of *Ocokoru II*. In 2020, this Tribunal found that Respondent had paid the compensation awarded in *Ocokoru I* in 2016 and 2017. *Ocokoru II* at para. 7, 14 - 15. However, it found an error in calculating the interest due on that award and ordered payment of the appropriate interest. (*Id.* at paras. 12, 17, 19).

12. Third, the Tribunal examined the claim for reimbursement of medical bills in the prior cases: “ for reimbursement of expenses on medical bills, these claims were not awarded by the UNDT Judgment [in *Ocokoru I*] and as such cannot be claimed as part of the execution (*Ocokoru II* at para. 15).

13. Finally, the issue of whether Applicant was properly and conclusively separated from service with the United Nations, was resolved in 2016 by the payment to the of reinstating her, pursuant to the

14. The Tribunal shall find the same with respect to  
relitigate all the claims she has brought in this case.

### **JUDGMENT**

15. The Application being barred by *res judicata*, this case is dismissed as not