## Introduction

By a !"#a\$"o% f"!ed o% 22 & ay 2014' \$(e A !"#a%\$' a% Asso#"a\$e )ega!
 Off"#er (Na\$"o%a! Off"#er B !e\*e!' +NOB,) "% \$(e -eg"o%a! -e rese%\$a\$"o% for
 . es\$er% /0ro e of \$(e Off"#e of \$(e U%"\$ed Na\$"o%s 1 "g( Co 2 2 "ss"o%er for
 -ef0gees (+UN1C-,)' 3ased "% Br0sse!s' #o%\$es\$s \$(e de#"s"o% \$0 d"s#o%\$"%0e \$(e
 os"\$"o% s(e "s e%#023er"%g ( os"\$"o% No. 10011149) as of 1 40%e 2014' a%d \$(e
 #o%se50e%\$ \$er 2 "%a\$"o% of (er "%def"%"\$e a o"%\$2e%\$' effe#\$"\*e 61 & ay 2014. A\$
 \$(e sa 2 e \$" 2 e' s(e see7s a% "%\$er" 2 2 eas0re' e%d"%g ro#eed"%gs' \$o s0s e%d \$(e
 "2 !e 2 e%\$a\$"o% of \$(e d"s#o%\$"%0a\$"o% of (er os"\$"o% a%d \$(e \$er 2 "%a\$"o% of (er
 a o"%\$2e%\$.

## Facts

2. As s\$a\$ed "% (er a !"#a\$"o%' \$(e A !"#a%\$ e%\$ered \$(e ser\*"#e of UN1C-' - eg"o%a! - e rese%\$a\$"o% for . es\$er% / 0ro e "% Br0sse!s' o% 1 8e3r0ary 2002
0%der a f"9ed:\$er 2 a o"%\$ 2 e%\$ as a ; e%"or Pro\$e#\$"o% Ass"s\$a%\$' G:7 !e\*e!. ; "%#e
24 8e3r0ary 2002' s(e "s \$(e (o!der of a% "%def"%"\$e a o"%\$ 2 e%\$.

6. By 2e2 ora d02 dased 1< & ar#( 200<' \$(e \$(e% UN1C - -eg"o%a!))

e%#023er"%g = o0!d 3e d"s#o%"%0ed as of 1 40%e 2014' +"% !"%e ="\$( a reg"o%a! re\*"e= of e9"s\$"%g #a a#"\$"es, a%d +"% a##orda%#e ="\$( re!e\*a%\$ s\$" 0!a\$"o%s of <math>BO&/0<1/2007:8O&/0<4/2007,.

>. By e2a"! a%d 2e2ora%d02 of 14 4a%0ary 2014' \$(e A !"#a%\$ re50es\$ed 2a%age2e%\$ e\*a!0a\$"o% of \$(e de#"s"o% #o220%"#a\$ed \$o (er 3y !e\$\$er of 1? No\*e23er 2016.

7. By  $e_2a''!$  of 2?  $8e_3r_0ary 2014' s(e = as "%for 2ed 3y $(e Off"#e of $(e De 0$y 1"g( Co 2 2"ss"o%er' UN 1 C -' $(a$ (er re50es$ for 2a%age 2e%$ e*a!0a$"o% = as 0%der #o%s"dera$"o%.$ 

?.

8O&/0>7/2012 (Co 2 ara $*e - e^*e = Po!*y$  for ) o#a!!y - e#r0\*ed ; aff

#. ; (o0!d (e Tr"30%a! %e\*er(e!ess #o%s"der (e re50es) % "s 2 er"s' "s so32"sed (as (e #o%ses)ed de#s"% "s %os prima facie 0%!a=f0!D 3ased o% r0!"%gs 3y (e A ea!s Tr"30%a!' "s =e!! sess!ed For"s r0de%#e (as a% B%ser%as"o%a! Orga%"Has"o% (as %e#essar"!y (e o=er so #o%d0#s res\$r0#s0ras"o%' "%#!0d"%g (e a30!"s"o% of oss' (e #reas"o% of %e= oss a%d (e rede !oy2e% of ssaff. B% (e rese%s #ase' (e a30!"s"o% of s(e oss e%#023ered 3y (e A !"#a%s =as ars of a ressr0#s0r"%g e9er#se 3y (e

20. T(e Tr"30%a! o3ser\*es (a) (e se#o%d de#"s"o% #o%sessed 3y (e A !"#a%s" %a2e!y (e ser2"%as"o% of (er "%def"%"se a o"%s2e%s' per se fa!!s "%so (e #asegory of +ser2"%as"o%, for = ("#( a s0s e%s"o% 2 ay %os 3e gra%sed as a se2 orary re!"ef. B%deed' ssaff r0!e 9.> (a) def"%es +ser2"%as"o%, as a +se aras"o% fro2 ser\*"#e,. P0rs0a%s so ssaff r0!e 9.> (#) (")' a3o!"s"o% of oss #o%ss"s0ses a reaso% for (e ser2"%as"o% of a #o%s"%0"%g a o"%s2e%s' a%d "s a !"#a3!e so (o!ders of "%def"%"se a o"%s2e%s as foresee% 3y ssaff r0!e 16.2 (a)' C(a ser J BBB (Tra%s"s"o%a! 2 easOres)' ;T/;GB/2016/6 (;saff - 0!es a%d ;saff - eg0!as"o%s of s(e U%"sed Nas"o%s). T(erefore' (e Tr"30%a! (as %o a0s(or"sy so order a s0s e%s"o% of s(e "2 !e 2 e%sas"o% of s(e de#"s"o% so ser 2"%ase s(e A !"#a%sEs "%def"%"se a o"%s2e%s 3e#a0se of s(e #!ear !" 2 "sas"o% of ars. 10.2 of "ss ;sas0se a%d ars. 14.1 of "ss - 0!es of Pro#ed0re.

21. 1 o=e\*er' \$(e a3o\*e res\$r"#\$"o%s do %o\$ a !y \$o \$(e de#"s"o% \$o d"s#o%\$"%0e os"\$"o% No. 10011149 of Asso#"a\$e )ega! Off"#er' e%#023ered 3y \$(e A !"#a%\$.
T(e a3o!"\$"o% of a os\$ "s %o\$ a #ase of +a o"%\$2e%\$' ro2o\$"o% or \$er2"%a\$"o%, a%d "\$ does %o\$ %e#essar"!y !ead \$o \$(e \$er2"%a\$"o% of \$(e a o"%\$2e%\$ of \$(e s\$aff 2e23er e%#023er"%g \$(e os\$ =("#( "s 3e"%g a3o!"s(ed. O% \$(e #o%\$rary' "% #ase of a3o!"\$"o% of a os\$' \$(e Ad2"%"s\$ra\$"o% (as \$o 2a7e effor\$s \$o f"%d s0"\$a3!e os\$s for \$(e s\$aff 2e23er =(o "s or =as e%#023er"%g \$(e a3o!"s(ed os\$ (see s\$aff r0!e 9.> (e)).

22. ;"%#e \$(ere "s %o reaso% \$o e9\$e%d \$(e a3o\*e:refere%#ed res\$r"#\$"o%s \$o \$(e a3o!"\$"o% of \$(e A !"#a%\$Es os\$' \$(e Tr"30%a! (as \$o de\$er 2 "%e = (e\$(er a!! \$(ree #o%d"\$"o%s of prima facie 0%!a=f0!%ess' 0rge%#y a%d "rre ara3!e da 2 age' are 2 e\$.

26. . "\$( res e#\$ \$o "rre ara3!e da 2 age' \$(e Tr"30%a! (as %o do03\$ \$(a\$ s0#( da 2 age 2 ay 3e #a0sed 3y \$(e \$er 2 "%a\$"o% of \$(e A !"#a%\$Es #o%\$ra#\$. Ne\*er\$(e!ess' \$(e " 2 !e 2 e%\$a\$"o% of \$(e a3o!"\$"o% of \$(e os\$ a\$ s\$a7e does %o\$ "% "\$se!f #a0se d"re#\$ "rre ara3!e da 2 age \$o \$(e A !"#a%\$. B%deed' "% Fradin de Bellabre' UNDT/2009/004' \$(e Tr"30%a! (e!d a +(ar 2 "s "rre ara3!e "f "\$ #a% 3e s(o=% a \$(a\$ s0s e%s"o% of a#\$"o% "s \$(e o%!y =ay \$o e%s0re \$(a\$ \$(e A !"#a%\$Es r"g(\$s are o3ser\*ed,. B% \$(e #ase a\$ (a%d' a s0s e%s"o% of \$(e " 2 !e 2 e%\$a\$"o% of \$(e a3o!"\$"o% "s %o\$ a% ade50a\$e \$oo! \$o o3ser\*e \$(e A !"#a%\$Es r"g(\$s6 e\*e% "f \$(e

a3o!"\$"o% de#"s"o% =ere s0s e%ded' \$(e A !"#a%\$ 2ay "%\*ar"a3!y 3e #o%fro%\$ed ="\$( \$(e " 2 !e2e%\$a\$"o% of \$(e \$er2 "%a\$"o% of (er a o"%\$2e%\$ =("#( \$(e Tr"30%a! #a%%o\$ s0s e%d "% \$(e fra2e=or7 of \$(e rese%\$ ro#eed"%gs. B\$ fo!