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Judgment No. 2016-1

S

JUDGME

Before:

Case No.:

Date:

Registrar:

Counsel for Mr. J

Counsel for Secret

JUDGE R

Submissions

Mr. Karseboom's Application for Interpretation of Judgment

5. Mr. Karseboom seeks clarification of two issues. First, whether the UNDT's award of moral damages to compensate Mr. Karseboom for the way in which the ABCC had processed his claim was upheld by the Appeals Tribunal. Second, whether the order that the ABCC convene a medical board is mandatory or may take place at his request. Mr. Karseboom seeks further clarification as to whether any financial provision might be made in the event he becomes liable for 50 per cent of the costs associated with the medical board.

The Secretary-General's Observations

6. The Secretary-General requests that the Appeals Tribunal dismiss the application for interpretation of judgment for failing to meet the requirements set out in Article 11 of its Statute and Articles 24 and 25 of its Rules of Procedure.

7. The Secretary-General asserts that the Appeals Tribunal's Judgment is clear in its meaning and requires no interpretation.

8. Even if Mr. Karseboom's application was considered to be a request for revision, it would fail to meet the requirements of Article 11 of the Appeals Tribunal Statute (Statute).

Considerations

9. Article 11 of the Statute provides, in part:

3. Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of the judgement.

10. Mr. Karseboom has filed an application for interpretation of judgment seeking interpretation of our Judgment delivered on 30 October 2015, in respect of: (i) whether moral damages awarded by the UNDT are still payable; and (ii) whether the Appeals Tribunal requires a medical board to be convened.

11. The Judgment delivered by the Appeals Tribunal stated:

The appeal is allowed. The Judgment of the UNDT is set aside and the case is remanded to the ABCC to convene a medical board.

12. The Judgment is quite clear in its meaning. It is in plain, unambiguous language, which leaves no reasonable doubt as to what is meant by it. It requires no interpretation.

13. This Tribunal held in *Abbasi* that:²

[I]nterpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision. But if the judgment is comprehensible, whatever the opinion of the parties may have about it or its reasoning, an application for interpretation is not admissible, as it happens in the present case.

14. Mr. Karseboom fails to identify any sentences or words in the Judgment that are unclear or ambiguous.

15. For the foregoing reasons, Mr. Karseboom's application must be rejected.

Judgment

16. The application for interpretation of Judgment No. 2015-UNAT-601 is dismissed.

² *Abbasi v. Secretary-General of the United Nations*, Judgment No.2013-UNAT-315, para. 18.

Original and Authoritative Version: English

Dated this 30th day of June 2016 in New York, United States.

(Signed)