
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2016/0 !

"#\$g%e&' No.: UNDT/2017/01(

Da'e: 7) a*+, 2017

O*-g-&a.: E&g.-s,

Before: "\$ge Te*esa B*a/o

Registry: Ge&e/a

Registrar: Re&0). Va*gas

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SECRETAR23GENERAL
O4 T1E UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Se.f3*e5*ese&'e\$

Introduction

1. ! " an #n\$om%&ete a%%&#\$at#on #&ed on ' (\$to)e* 2016- \$om%&eted on

9. (n 8 Ju" 201: s, e 6*ote anot, e* ema# to 8 9+ UN5CCC+ *e@uest#ng inter
alia #n o*mat#on a)out 6 ,et, e* ,e* *e%at*#at#on g*ant ,ad)een *em#tted and+ # so+

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1. ! " ema# dated 30 - a" 2016 to t, e - anagement A2a&uat#on Un#t .3 - AU40+ t, e A%%&#Sant *e@uested management e2a&uat#on o 3t, e &long o2e*due %a"ment Bo ,eC *e%at*#at#on g*ant4.

16. 5o&&o6#ng \$lea*an\$e *om UN5CCC+ t, e 5#nan\$#ak 9esou*\$es - anagement 1e*2#Se+ UN (G+ *eleased t, e %a"ment o t, e *e%at*#at#on g*ant 6#t, a %a"ment date o 31 - a" 2016. As %e* t, e do\$uments on #&e+ t, e *e%at*#at#on g*ant amount ,eid #n t*ust 6as UID:+99'.07. >t 6as 6#*ed+ as %e* t, e A%%&#Sant?s #nst*ut#ons+ to ,e* - ; 9 a\$Sount+ and t, e \$on2e*s#on *om UID to - ; 9 6as made us#ng t, e %*e2a#&#ng Un#ted Nat#ons (%e*at#ona& 9ates o A=\$,ange .UN (9A0 o - a" 2016+ name&" UID1 E - ; 93.897+ *esult#ng #n t, e \$*ed#t#ng o - ; 923+3:8.89 to t, e A%%&#Sant.

17. ! " &ette* dated 6 June 2016+ t, e - AU a\$7no6&edged *e\$e#t o t, e A%%&#Sant?s *e@uest o* management e2a&uat#on.

18. ! " ema# o 8 June 2016+ a 8uman 9esou*\$es (#Se*+ 89+ UN5CCC+ sent to t, e A%%&#Sant an 3U - (JA \$&#% *ega*d#ng t, e d#s)u*sement o t, e *e%at*#at#on g*ant4. >t s, o6ed t, at UID:+99'.07 ,ad)een \$lea*ed o* %a"ment e e\$#2e 31 - a" 2016. ! " ema# o t, e same da"+ t, e A%%&#Sant #n o*med UN5CCC t, at t, e mone" ,ad not "et *ea\$, ed ,e* a\$Sount and t, at+)ased on t, e #n o*mat#on s, e ,ad *e\$e#2ed+ s, e 6as o t, e 2#e6 t, at t, e (*gan#<at#on ,ad unde*%a#d ,e* UID268.29.

19. ! " ema# o 9 June 2016+ a 8uman 9esou*\$es Ass#stant+ 89+ UN5CCC+ *e&#ed to t, e A%%&#Sant t, at s, e ,ad 3\$onta\$ted t*easu*" aga#n o* u*t, e #n o*mat#on4.

20. ! " ema# o 10 June 2016+ t, e A%%&#Sant *e#te*ated t, at s, e ,ad not *e\$e#2ed an" mon#es #n ,e* a\$Sount. (n t, e same da"+ a 8uman 9esou*\$es Ass#stant+ UN5CCC+ *e&#ed to t, e A%%&#Sant t, at UN5CC 6as 3st&& a6a#t#ng eed)a\$7 *om t*easu*"4.

21. ! " ema# o 1' June 2016 to t, e A%%&#Sant+ t, e - AU ad2#sed ,e* t, at 3t, e Adm#n#st*at#on %esented a %a"s&#% 6, e*e)" t, e *e%at*#at#on g*ant B, ad)eenC

transferred to B, eC aSount4+ and as7ed ,e* to \$on #*m # s,e ,ad *e\$e#2ed t,e
%a"ment #n @uest#on. !" ema#k o 1: June 2016+ t,e A%%&#Sant inter alia ad2#sed
t,e - AU t,at a&t,oug, s,e ,ad not *e\$e#2ed an" %a"s&#%+ s,e ,ad)een unde*%a#d
U1D268 o* ,e* *e%at*#at#on g*ant and t,at s,e 6#s,ed to 3add t,#s unde*%a"ment
to B,e*C \$&a#m aga#nst UN5CCC4.

22. !" ema#k dated 21 June 2016+ a 8uman 9esou*\$es (#e*+ 89+ UN5CCC+
#n@u#*ed 6#t, t,e A%%&#Sant # s,e ,ad *e\$e#2ed t,e *e%at*#at#on g*ant.

23. !" kette* dated 1' Jul" 2016+ t,e - AU #n o*med t,e A%%&#Sant t,at #t 6ou&d
%*o\$eed to \$&ose ,e* #&e. >n su%%o*t o t,#s+ t,e - AU ad2#sed t,e A%%&#Sant+ inter
alia+ t,at %a"ment o ,e* *e%at*#at#on g*ant+ amount#ng to U1D:+99'.07+ ,ad)een
e=e\$uted on 31 - a" 2016 and t,at s,e ,ad \$on #*med *e\$e#%t o t,e e@u#2a&ent

A%&#Sant+ #.e.+ 21 da"s+ \$an on&" lead to \$on\$&ude t,at t,e %a"ment 6as made #n June 2016 and t,at+ t,us+ t,e ., #g,e*0 UN (9A *ate o* t,at mont, s,ou&d ,a2e)een a%&#edH

\$. 1,e &ost t,e o%%o*tun#t" to 3add to B,e*C \$u**ent&" ,e&d *#s7 *ee #n2estment a\$\$ount 6#t, a "#e&d o a%%*o=#mate&" 6.: I %e* annum4H

d. > %a"ment ,ad)een made #n De\$em)e* 201:+ s,e 6ou&d ,a2e)ene #tted *om a ,#g,e* UN (9A .U1D1 E - ; 9 '+290H

e.

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. The Applicant is also not entitled to moral damages because she did not submit an evidence in support of her claim as required by art. 10.1. of the UNDT Statute. Furthermore, the claim cannot be considered as a fundamental right, as the Applicant's rights and she did not claim to be in a position of distress. In order to award moral damages due to the claim.

Consideration

27. The Tribunal must, as to the duration of some of the applicant's matters.

Ex parte documents filed by the Applicant

28. The Tribunal describes that the ex parte documents filed by the Applicant on 17 September 2017, and the remaining ex parte

Legal framework

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33. 1ta 9egu&at#on 9.' st#%u&ates t,atF

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>n %*#n\$#%&e+ t,e *e%at*#at#on g*ant s,a&&)e %a"a)&e to sta mem)e*s 6,o ,a2e \$om%&eted at least #2e "ea*s o @ua&# "#ng

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Compensation of material damages

:3. The Tribunal has already in its Judgment of 10 October 2010 in the case of Castelli UNDT/2010/011 seen that, in the present case, the amount of the award is not to be reduced to the amount of the award of \$10,000,000.

But also in the present case, the Tribunal has found that the amount of the award is not to be reduced to the amount of the award of \$10,000,000. The Tribunal has found that the amount of the award is not to be reduced to the amount of the award of \$10,000,000.

:'. The Tribunal has already in its Judgment of 10 October 2010 in the case of Warren UNAT/0:9/17 seen that, in the present case, the amount of the award is not to be reduced to the amount of the award of \$10,000,000.

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Ante*ed #n t,e 9eg#ste* on t,#s 7^t da" o - a*\$, 2017

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