



Before: Judge Solomon Areda Waktolla, Duty Judge

Registry: Nairobi

Registrar: Eric Muli, Officer-in-Charge

OCOKORU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
MOTION FOR INTERIM MEASURES**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

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 30 August 2023, using

3. The motion was served on the Respondent on 11 September 2023. The Respondent filed a response to said motion on 15 September 2023. In his response, the Respondent submits that the motion is not receivable *ratione materiae* and should be dismissed because: (i) it

summarized as follows:

i. The Camp Manager gave her another key to a different accommodation which failed to work. She spoke on the phone with an

sort things out as offices were already closed at the time. She was driven by

later sexually assaulted her, threw some bedding at her and told her to leave.

k. She was hospitalized a few days later in Juba and then reported to Dianne De Guzman, Senior Civil Affairs Officer, what had happened. However, during this time, X had reported that she had stolen a ring, a

the watch and ring over to Ms. De Guzman and made a written report of the sexual assault.

l. Despite her report and being questioned by both the Office of Internal Oversight Services (OIOS) and the Conduct and Discipline Unit (CDU), *there has been no outcome apart from her being referred by Ms. De Guzman for counselling* (emphasis added).

7. The above quotation shows that as of 29 July 2014 (when the Tribunal held a hearing of Case No. UNDT/NBI/2012/074 which culminated in Judgment No. UNDT/2015/004),² the Applicant was already aware of the non-investigation decision but

(ii) *The non-implementation of UNDT Judgment No: UNDT/2015/004 and*
(iii) *the decision to “underpay compensation ordered by UNDT and refusal to pay Applicant’s medical bills and withheld salary and refusal to properly and conclusively separate the Applicant.”*

9. The legal framework on execution of judgments is outlined at arts. 11(3) and 12(4) of the UNDT Statute and art. 32(2) of the UNDT Rules of Procedure. Article 11(3) of the UNDT Statute provides that:

The judgements and orders of the Dispute Tribunal shall be binding upon the parties but are subject to appeal in accordance with the statute of the United Nations Appeals Tribunal. In the absence of such appeal, they shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal. Case management orders or directives shall be executable immediately.

10. Article 12(4) of the UNDT Statute is similar in wording to art. 32(2) of the UNDT Rules of Procedure and stipulates that:

Once a judgment is executable under article 11, paragraph 3 of the present statute, any party may apply to the Dispute Tribunal for an order for execution of the judgment if the judgment requires execution within a certain period of time and such execution has not been carried out.

11. On 28 November 2019, the Applicant filed an application for execution of Judgment No. UNDT/2015/004. The application was registered as Case No. UNDT/NBI/2019/168. In that case, she requested for: (a) compensation and damages for the time since she separated from the Organization; (b) salary arrears from 1 August 2012; (c) interest of 15% paid on the compensation and the claimed salary arrears; and (d) reimbursement of expenses she incurred on medical bills. These are the same claims she is making in the present case.

12. On 27 March 2020, the Tribunal issued Judgment No. UNDT/2020/045 where it ordered the Respondent as follows:

19. The Respondent shall calculate and pay the Applicant the difference between any interest previously paid and the outstanding compounded

interest on the compensation awarded by Judgment No.

Entered in the Register on this 18th day of September 2023

(Signed)

Eric Muli, Officer-in-Charge, Nairobi