

Introduction

1. B: a; ;.-*a'-o& f-.e\$ o& 1! Se;'e%+e, 2017) '/e A; ;.-*a&' *o&'es's '/e

Case No. UNDT/GVA/2017/0 !

"#\$g%e&' No. UNDT/201(/121

T/-s offe, -s *o&\$-'-o&a. #;o& '/e -&fo,%a'-o& ;,o1-\$e\$ +: :o# 0 /e& a; ;.:-&g fo, '/e ;os-'-o& ,e%a-&-&g ',#e a&\$ *o% ;.e'e as a' '/e \$a'e of :o#, a**e;'a&*e of '/e a; ;o-&'%e&'. B: a**e;'-&g '/e 'e,%s of '/-s offe, of a; ;o-&'%e&'9 :o# a**o,\$&g.: *o&f-,% a&\$ *e,'-f: '/a' a..-&fo,%a'-o& ,e.e1a&' 'o :o#, f-'&ess 'o %ee' '/e /-g/es' s'a&\$a,\$s of eff-*e&*:9 *o% ;e'e&*e a&\$ -&'eg,-': a&\$ 'o :o#, a+-.-': 'o ;e,fo,% :o#, f#&*'-o&s9 0 /-* / :o# ;,o1-\$e\$ 0 /e& a; ;.:-&g fo, '/e ;os-'-o&9 ,e%a-&s ',#e a&\$ *o% ;.e'e as a' '/e \$a'e of :o#, a**e;'a&*e of '/-s offe,.

L

L-Be0-se9 -& '/e e1e&' '/a' '/e ;,e7,e*,#-'%e&' fo,%a.-'es a,e &o' sa'-sfa*'o,-.: *o% ;.e'e\$9 o, 0 /e,e a *o&\$-'-o& -s &o' %e' o, &o .o&ge, %e'9 '/-s %a: +e g,o#&\$s fo, 0-'/\$,a0a. of '/-s offe,9 o, fo, 'e,%-&a'-o& o, *a&*e..a'-o& of a&: *o&',a*' e&'e,e\$ -&'o.

10. T/e A; ;.-*a&' s-g&e\$ '/e a**e;'a&*e of '/e .e'e, of offe, of a; ;o-&'%e&' o& 5 A; ;,-. 20179 '/e,e+: \$e*.a,-&g '/a' <=/e /a\$> ,ea\$ a&\$ f#..: =#&\$e,s'oo\$> '/e 'e,%s of '/-s offe, of a; ;o-&'%e&' a&\$ ='o> a**e;'-' a&\$ '/e *o&\$-'-o&s /e,e-& s;e*-f-e\$@. 8e se&' '/e s-g&e\$ a**e;'a&*e of '/e offe, of a; ;o-&'%e&' 'o 8R 3 S9 UNOG9 +: e%a-. of A; ;,-. 2017.

11. B: e%a-. of 27 A; ;,-. 20179 '/e A; ;.-*a&' ,e*e-1e\$ *o&f-,%a'-o& '/a' /-s %e\$-*a. *.ea,a&*e /a\$ +ee& a; ;,o1e\$ a&\$,e*o,\$e\$ -& 8R 3 SE \$a'a+ase. 8e 'ooB #; '/e f#&*'-o&s of Se&-o, E*o&o%-* Affa-,s Off-*e,9 ECE9 o& 1 3 a: 2017.

12. T/e A; ;.-*a&' 0as *a..e\$ 'o a %ee'-&g 0-'/ '/e C/-ef9 8R 3 S9 '/e C/-ef9 Lega. U&-9 8R 3 S a&\$ o'/e,s o& 10 3 a: 20179 a' 0 /-* / /e 0as -&fo,%e\$ '/a' -& .-g/' of /-s s'a'#s as a *o&s#.'a&' a' ECE a' '/e '--256.4508.'

1!. B: O,\$e, No. 175 (GVA/201(D of 12 O*'o+e, 201(9 '/e A;;.-*a&' Oas
g,a&'e\$.ea1e 'o f-.e *o%%e&'s o& '/e Res;o&\$e&'Es ,e;.:9 a&\$ '/e ;a,'-es Oe,e
*a..e\$ 'o a *ase %a&age%e&' \$-s*#ss-o& '/a' Oas /e.\$ o& 1 No1e%+e, 201(.

20. Af'e, '/e *ase %a&age%e&' \$-s*#ss-o&9 '/e A;;.-*a&' f-.e\$ a 0-'&ess
s'a'e%e&' f,o% '/e De;#': E?e*#'-1e Se*,e'a,:9 ECE. T/e ;a,'-es a'e&\$e\$ a
/ea,-&g o& '/e %e,-'s o& 7 No1e%+e, 201(9 a' 0/-*/ '/e A;;.-*a&' gale e1-\$e&*e.

!arties\$ su''%issions

21. T/e A;;.-*a&'Es ;,-&*-.;a. *o&'e&'-o&s a,e:

a. T/e \$e*-s-o& +,ea*/es '/e *o&',a*'#a. ,e.a'-o&s/-; +e'0ee& /-% a&\$
ECEM'/e offe, of a ; ;o-&'%e&' *o&'a-&e\$ a.. '/e esse&'-a. 'e,%s a&\$ *o&\$-'-o&s
of '/e *o&',a*' a&\$ /e #&*o&\$-'-o&a...: a**e;'e\$ -'M

22. T/e Res;o&\$e&'Es ;,-&*-*;a. *o&'e&'-o&s a,e:

a. T/e a; ;.-*a'-o& -s &o' ,e*e-1a+.e ratione personae⁹ s-&*e '/e A; ;.-*a&'
0as &o' a s'aff %e%+e,|| '/e ; ,o'e*'-o& e?'e&\$e\$ 'o

"erits

2). T/e T,+#+&a.,e*a..s '/a' -' -s*o% ;e'e&' 'o e?a%-&e '/e .ega.-': of '/e \$e*-s-o&
of 10 3 a: 2017 'o 0-'/\$,a0 '/e offe, of a ; ;o-&'%e&' %a\$e 'o '/e A ; ;.-*a&'
fo..o0-&g /-s se.e*'-o& 'o '/e P75 ;os' of Se&-o, E*o&o%-* Affa-,s Off-*e,9 ECE9
a&\$ af'e, /e s'a,'e\$;e,fo,%-&g /-s f#&*' -o&s9 o& '/e g,o#&\$s '/a' /e Oas &o'
e.-g+e. l' -s &o' *o% ;e'e&' 'o e?a%-&e '/e \$e*-s-

As s'a'e\$ -& A,'-*.e 101 of '/e C/a,'e,9 '/e ;o0e, of a ; ;o-&'%e&' of s'aff %e%+e,s ,es's 0-'/ '/e Se*,e'a,:7Ge&e,a.. U;o& a ; ;o-&'%e&'9 ea*/ s'aff %e%+e,9 -&*.#s-&g a s'aff %e%+e, o& se*o&\$%e&' f,o% gole,&%e&' se,1-*e9 s/a.. ,e*e-1e a .e''e, of a ; ;o-&'%e&' -& a**o,\$a&*e 0-'/ '/e ; ,o1-s-o&s of a&&e? Il 'o '/e ; ,ese&' Reg#.a'-o&s a&\$ s-g&e\$ +: '/e Se*,e'a,:7Ge&e,a. o, +: a& off-*a. -& '/e &a%e of '/e Se*,e'a,:7Ge&e,a..

2(. T/e -ss#a&*e of a .e''e, of a ; ;o-&'%e&' -s '/#s &o' a %e,e fo,%a.-':9 +# ' a *o&s'-'#'-o&a. ,eK#-,e%e&' #&\$e, '/e C/a,'e,. As '/e A ; ;ea.s T,-+##a. ,#.e\$ -& Gabaldon9 0/e,e &o .e''e, of a ; ;o-&'%e&' /as +ee& -ss#e\$ a&\$ s-g&e\$9 '/e ; ,e,so& \$oes &o' +e*o%e a s'aff %e%+e,9 e?*e;' fo, '/e ; #, ;ose of +e-&g g-1e& a**ess 'o '/e -&'e,&a. F#s'-*e s:s'e%M '/-s <%a: +e '/e *ase 0/e,e a ; ,e,so& /as +eg##& 'o e?e,*-se /-s o, /e, f#&*'-o&s +ase\$ o& a**e;'a&*e of '/e offe, of e% ; :o:%e&'@ (Gabaldon).

2!. As '/-s T,-+##a. /e.\$ -& Boutruche UNDT/200!/0(5 C&o' a ; ;ea.e\$D):

Co&' ,a: 'o '/a' %a-&'a-&e\$ +: '/e A ; ;-*a&'9 '/e A\$%-&-s',a'-o&9 +o#&\$ as -' -s 'o a ; ;. : e?-s'-&g ,#.es9 /as a , -g/' a&\$ e1e& a& o+.-ga'-o& 'o ; #' a& e&\$ 'o -..ega. s-#a'-o&s as soo& as -' +e*o%es a0a,e of '/e%9 0/-e ; ,ese,1-&g a&: , -g/'s a*K#-,e\$ +: s'aff %e%+e,s -& goo\$ fa-'/.

A0. P#,s#a&' 'o se*. A.15 of ST/AI/201A/) a&\$ se*. .11 of ST/AI/2010/A9 '/e A ; ;-*a&' 0as &o' e.-g+e 'o a ; ;. : a&\$ 'o +e se.e*e\$e\$ fo, '/e ; os-'-o& of Se&-o, E*o&o%-* Affa-,s Off-*e,9 ECE. As s##/9 offe,-&g '/e ; os-'-o& 'o '/e A ; ;-*a&'9 a *o&s#.'a&' 0-'/ ECE9 a./o#g/ /e \$-\$ &o' %ee' '/e e.-g+.-': *,-'e,-a9 0as +e:o&\$ '/e ; o0e, *o&fe, ,e\$ 'o '/e O,ga&-Ha'-o&.

A1. T/a' +e-&g sa-\$9 '/e T,-+##a. &o'es '/a' &o .e''e, of a ; ;o-&'%e&' 0as -ss#e\$ 'o '/e A ; ;-*a&' . 8e /a\$ +ee& offered a& a ; ;o-&'%e&'9 a&\$ a**e;'e\$ '/a' offe,9 +# +efo,e a .e''e, of a ; ;o-&'%e&' 0as -ss#e\$9 8R 3 S 0-'/,\$,e0 '/e offe, o& '/e g,o#&\$s '/a' /e 0as &o' e.-g+e.9 s-&*e /e /a\$ +ee& 0o,B-&g as a *o&s#.'a&' 0-'/ ECE a' '/e '-%e of /-s a ; ;-*a'-o& a&\$ \$#, -&g '/e ,e* ,#-'%e&' ; ,o*ess. T/e A ; ;-*a&' a,g#es '/a' -' /a\$ +ee& 0e.. B&o0& 'o +o'/ Se&-o, 3 a&age%e&' a' ECEN-&*.#s-&g '/e 8-, -&g 3 a&age, Na&\$ 8R 3 S '/a' /e /a\$ +ee& a *o&s#.'a&' a&\$ '/a' -& ,e* ,#-'-&g /-%9 '/e A\$%-&-s',a'-o& /a\$ 0a-1e\$ '/e e.-g+.-':

;os-'o& *o#.\$ /a1e +ee& \$#.: /-g/.g/'e\$ -& '/e *o1e, .e'e, a&\$ #&\$e, '/e ,#+,-*
0o,B-&g e?;e,-e&*e -& '/e P8P. C.ea,..:9 a' '/e '-%e of '/e a; ; -*a'-o&9 '/e A; ; -*a&'
0as a <*#,e&' e%; :o:ee@9 &a%e.: a <*o&s#. 'a&'@ a&\$ -' 0as /-s \$#': 'o *.ea,..:
-&\$-*a'e '/-s s'a'#s -& Inspira. 5a-.#,e 'o \$o so 0as9 a' +es'9 &eg.-ge&'. T/e T,-+#&a.
-s a.so *o&*e,&e\$ '/a' /e so%e0/a' +.#.,e\$ /-s *#,e&' *o&s#. 'a&' s'a'#s #&\$e, '/e
;a,' <0o,B-&g e?;e,-e&*e@ of '/e P8P.

AA. As a ,es#.' of /-s e.e*'-o& of '/e o;'-o& <fo,%e, e%; :o:ee@ #&\$e, '/e UNCS
S'a'#s9 '/e A; ; -*a&'Es *a&\$-\$a'#,e 'o '/e ;os' 0as &o' a#'o%a'-*a..: s*,ee&e\$ o#'
as +e-&g -&e.-g+e. l& o'/e, 0o,\$s9 /a\$ /e e.e*'e\$ <IE% *#,e&'.: 0o,B-&g fo, a
U&'e\$ Na'-o&s Co%%o& S:s'e% e&'-' :@9 a&\$ <*o&s#. 'a&'@9 /e 0o#.\$ &o' /a1e +ee&
offe,e\$ '/e ;os-'o& +e*a#se /e 0o#.\$ /a1e +ee& fo#&\$ -&e.-g+e f,o% '/e o#'se'.

A). T/e T,-+#&a. 'ooB &o'e of '/e 0,-'e& 0-'&ess s'a'e%e&' f,o% '/e De;#':
E?e*#'-1e Se*,e'a,:9 ECE9 f.-e\$ +: '/e A; ; -*a&'Es Co##se.9 0 /-*/ a**o,\$-&g 'o' /e
A; ; -*a&' es'a+.-s/e\$ '/a' '/e De;#': E?e*#'-1e Se*,e'a,:9 ECE9 -& /-s *a;a*-' : of
Off-*e,7-&7C/a,ge9 o, a&: o'/e, off-*a. of ECE Se&-o, 3 a&age%e&' /a\$ 0a-1e\$ '/e
e.-g+.-': ,eK#-,e%e&' fo, '/e A; ; -*a&'. T/e T,-+#&a. f-&\$s '/a' '/e 0-'&ess
s'a'e%e&' of '/e De;#': E?e*#'-1e Se*,e'a,: \$oes &o' .ea\$ 'o' /e *o&*.#s-o& '/a' /e
/a\$ 0a-1e\$ '/e .ega. ,eK#-,e%e&'s fo, '/e A; ; -*a&'Es ,e*,#-'%e&'. 3 o,e
-%;o,'a&'.:9 '/e T,-+#&a. #&\$e,-&es '/a' a 0a-1e, of a ,#e 0 /-*/ a..o0s fo, &o
e?*e;'-o& o, \$-s*,e'-o& 0o#.\$ +e *o&'a,: 'o' /e ,#e of .a0 0-' /-& '/e O,ga&-Ha'-o&
/e&*e9 -..ega.. T/e /o.\$e,s of a \$e.ega'-o& /a1e &o ;o0e, 0/a'soe1e, 'o #&-a'e,a..:
\$e*-\$e 'o 0a-1e %a&\$a'o,: ,eK#-,e%e&'s ;,o1-\$e\$ -& '/e a\$%-&-s',a'-1e -ss#a&*es
of '/e O,ga&-sa'-o&.

A5. As a *o&seK#e&*e9 a&\$ s-&*e &o .e'e, of a; ;o-&'%e&' /a\$ +ee& -ss#e\$ 'o' /e
A; ; -*a&'9 '/e .a'e, \$-\$ &o' fo,%a..: +e*o%e a s'aff %e%+e,Ne?*e;' fo, '/e
;#; ;ose of a**ess 'o' /e -&'e,&a. F#s'-*e s:s'e%9 GabaldonNa&\$ a&: ,efe,e&*e 'o'a
'e,%-&a'-o& of /-s a; ;o-&'%e&' ;#s#a&' 'o s'aff ,#e !.ACaDC1D a&\$!.AC*D -s
%-s; ,a*e\$.

A . 8a1-&g -ss#e\$ '/e offe, of a; ;o-&'%e&' o& '/e +as-s

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%-s'aBe 0as \$-s*o1e,e\$. T/e A\$%-&-s',a'-o& 0as .ega

