



JUDGE ROSALYN CHAPMAN , PRESIDING .

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an application for interpretation of Judgment No. 2013-UNAT-338 in the case of *Dzuverovic v. Secretary-General of the United Nations*, which was rendered by the Appeals Tribunal on 28 June 2013. Ms. Vesna Dzuverovic filed her application for interpretation on 25 September 2013, and the Secretary-General of the United Nations filed his comments on 23 October 2013. In Order No. 164 (2013), the Appeals Tribunal denied Ms. Dzuverovic's motion for leave to file comments on the Secretary-General's comments.

#### Facts and Procedure

2. In November 1994, Ms. Dzuverovic joined the Technical Cooperation Division of the United Nations Centre for Human Settlement , which is currently known as UN-HABITAT, based in Nairobi. In 1995, Ms. Dzuverovic wrote to the Office of Internal Oversight Services (OIOS) alleging irregularities in recruitment and procurement practices in her unit. She made subsequent requests to ODS for investigations or interventions in 1996, 1998, and on 3 August 2010. Ms. Dzuverovic was separated from service in 1999. On 26 August 2010, OIOS informed Ms. Dzuverovic that it would not take action on her requests to investigate her allegations of irregularity (contested decision). On 13 September 2011, she filed a request for management evaluation of the contested decision, which was denied on the grounds that it was not timely and not receivable.

3. On 3 February 2012, Ms. Dzuverovic filed an application with the United Nations Dispute Tribunal (UNDT) challenging the contested decision. On 12 July 2012, the UNDT issued Judgment on Receivability No. UNDT/2012/105, in which it determined that the application was not receivable. Nevertheless, in paragraphs 60-76 of the Judgment, the UNDT made a series of "recommendations" concerning Ms. Dzuverovic's role as a "whistle blower". Ms. Dzuverovic appealed the Judgment and the Secretary-General filed a cross-appeal seeking an order to retract the UNDT's "recommendations".

4. In Judgment No. 2013-UNAT-338, the Appeals Tribunal unanimously found that the UNDT properly determined the application was not receivable and dismissed Ms. Dzuverovic's appeal. The Appeals Tribunal further found by majority, with Judge Chapman dissenting, that the Secretary-General's cross-appeal should be dismissed



7. Alternatively, the Secretary-General requests that the application for interpretation should be dismissed because the meaning and scope of the Judgment are not ambiguous. The Judgment affirmed the UNDT in all particulars, including the recommendations which

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Dated this 17<sup>th</sup> day of October 2014 in New York, United States.

*(Signed)*

Judge Chapman, Presiding

*(Signed)*

Judge Simón

*(Signed)*

Judge Faherty

Entered in the Register on this 22<sup>nd</sup> day of December 2014 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar