

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. On 14 July 2017, the Applicant filed an application for revision under art. 12.1 of the Dispute Tribunal's Statute of Judgment No. UNDT/2017/042, which this Tribunal rendered on 16 June 2017 in Case No. UNDN0a 0 0 1n6

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opposed to other staff members who have the similar cases. She has decided to discriminate me just as a move to harass and intimidate me, this include ignoring her own Information Circular no. 62 which has been used to effect revised prices of all items for staff members. All these correspondences in connection with checking out and misplaced items are collectively marked as Annex no. 04 (Footnote No.4 that was attached to the submission sent to MEU captioned “Emails Correspondences on Checking out and Misplaced Items vis a vis Investigations Number of Pages 27 (from Page No. 25 - 52)”.

3. That when analyzing the judgment at Para 8 please note that, “The findings contained in the Investigation Report did not provide for this aspect on account that: “6.2 [The Applicant] signed the items for his office to be used for the organization for work purposes, not for his sole use but for other users also such as the interns and staff members who come in for TDY. 8.4 Since most of the items signed by [the Applicant] were not for his sole use but for the organization and other ICTR Staff Members, it wouldn't do justice

requests that the issue be addressed and reflected in the final requested revision of judgment”.

9. That Para 26 of the Judgment is overlooked by the Tribunal in the sense that, “The silence on the Tribunal to address this issue constitutes a grave miscarriage of Justice since the issue of harassing the Applicant and the misconduct of the Respondent were overt and it was requested in the Applicant’s Main Application under Para VII. Summary of the facts of the case or facts relied upon” with sub –Paras 1 – 17”. The silence means that the Tribunal did actually support such misconducts exhibited by the Respondent against the Applicant”.
10. The claims made by the Applicant at Para 27 (e) has been proved by the Tribunal in its own words at Paras 52 and 53, hence need to be readdressed and appropriate compensation be granted for.
11. At Para 28 (a) information provided by the Respondent contradicts with the reality. Refer to Para 6, of “

during the whole course of filing the Main Application. They require a revision of the judgment in the Applicant's case since initially there seems to be an oversight on the party of the Tribunal for omitting them during its deliberations.

2. That looking at Para 52 of the judgment, the Tribunal admit that, "... Furthermore, the Tribunal considers that there is no evidence that similar investigations were conducted for any other missing items assigned to other staff ICTR members during the liquidation process before their checkout was processed". What has been identified as unlawful procedure should not cover only delay but also deduction of his final leave days to offset for the said misplaced items some of which were recovered from another staff member's office as identified on pages 38 and 39 of Annex No. AA3 with proven evidence, hence such deduction were not warranted at all.
3. It was order in Judgment No. UNDT/2011/169, at Para 31, that "Having given due and careful consideration to both parties' submissions and the record, the Tribunal finds that the Applicant should be compensated by an award of USD 60,000 for the emotional distress and anxiety suffered by him as a result of the Respondent'

prosperity. A word from the Tribunal on the matter is very important.

5. That in Judgment No. UNDT/2011/068 the Tribunal put it clear at Para 20 that:

“As the Tribunal stated in Applicant UNDT/2010/148, it is more appropriate to express compensation for emotional distress and injury in lump sum figures, not in net base salary. Such damages, unlike actual

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