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## Introduction

1. On 11 December 2014, 24 staff members and former staff members of the International Criminal Tribunal for the former Yugoslavia (ICTY) filed a request for the appointment of a Special Representative of the Secretary-General on the issue of human rights and the rule of law in the area of the former Yugoslavia. The request was filed on 11 December 2014, denouncing the actions of the Government of the Republic of Serbia and the Government of Montenegro in the area of the former Yugoslavia.

2. As a result of the request, the Secretary-General has:

a. appointed the Special Representative of the Secretary-General

b. mandated the Special Representative to monitor the situation in the area of the former Yugoslavia and report to the Secretary-General

c. requested the Secretary-General to provide technical assistance to the Government of the Republic of Serbia and the Government of Montenegro in the area of the former Yugoslavia

d. awarded moral damages in the amount of USD 620,000 to the Special Representative for the suffering and loss of life and limb of the victims of the conflict in the area of the former Yugoslavia.

## Facts

On 25 July 2011, the Secretary-General appointed the Special Representative of the Secretary-General on the issue of human rights and the rule of law in the area of the former Yugoslavia (the Special Representative) for the purpose of monitoring the situation in the area of the former Yugoslavia and reporting to the Secretary-General. The Special Representative was appointed on 1 January





14. On 11 July 2010, CT-1 transmitted to the Office of Human Resources Management (OHHRM) at the United Nations Secretariat

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should not be granted because the mandate is finite and there is no  
extension of the mandate. Article 11(1) of the Statute of the  
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## Consideration

### Legal framework of the contested decisions

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\*5. In sum, the Commission finds that the applicant's eligibility conditions set forth in section 1 of 3T/3G /200A/10H#e.) have been met on the facts and circumstances (including the age of 50 years and the last time the applicant was employed by the United Nations as of the date of the suitableness test as set forth in section 2 of the same statute.

\*\*3. The Commission finds that the applicant's employment with the United Nations was not an independent contractor relationship as defined in section 2 of 3T/3G /200A/10 as well as for the staff (under 104.10 and 104.11) of the United Nations. The applicant's employment was a suitableness test of the applicant's staff member (as assessed against the applicant's elements) name;

a. The Commission finds that the applicant's employment was not an independent contractor relationship as defined in section 2 of 3T/3G /200A/10 as well as for the staff (under 104.10 and 104.11) of the United Nations.

The Commission finds that the applicant's employment was not an independent contractor relationship as defined in section 2 of 3T/3G /200A/10 as well as for the staff (under 104.10 and 104.11) of the United Nations.

\*7. The Commission finds that the applicant's employment was not an independent contractor relationship as defined in section 2 of 3T/3G /200A/10 as well as for the staff (under 104.10 and 104.11) of the United Nations.

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Reasoning (reason to exclude the loss of the A3G/8567 to the extent of the assignment of the assets on the basis of section 11.1/2 of the ICA, 2010) e.g. the case of a 'outstanding' (lost. A&O(ding!) amounting to the T('una) undestands that the (the >as &on&#.ed to 'e assigned on an extraordinary 'basis) and the &on&edng that the (the &on&edng staff (the su'ent to the &on&edng geog(a&+&a (est(#&t#ons) #t a\$sea(s that) &on&a(! to the &on&edng &on&edng) the (e #s no a 'so&e% 'a (of the A3G/8567 to move an! of the A\$S&ants) >+o +ed a\$so&ntments #m#ted to ,CT-) to a differe&ent ent! on the 'basis of the a 'o.e4(e&e&ed \$(o.#s#on #f the#( \$osts >e(e to 'e a 'o&#s+ed.

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...the situation of the grounds for awarding moral damages and held that a fundamental right of a staff member is infringed to the extent that an award of compensation is not made.

117. The Tribunal is of the view that article 10.5 of the Statute is not applicable to the present case. The Tribunal is of the view that the award of moral damages is not based on the ground of a violation of the rules.

118. The Tribunal is of the view that the award of moral damages is not based on the ground of a violation of the rules.

120.

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/s/

Judge Thomas LaBe

Dated this 17<sup>th</sup> day of December 2015

Witnessed by the Registrar on this 17<sup>th</sup> day of December 2015

/s/

Geneva