

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

1. B? a>>.*a'-o!s f-.e" +e'0ee! 1(A>,-. a!" 7 \$%!e 2017! '/e A>>.*a!'s
/a..e!ge '/e "e-s-o!s B'o ,e"%*e C'/e-,D *o!',a*'e" sa.a,? a!" '/e &a!!e, of '/e

#. I! *o!s-"e,-!g '/e -&>.e&e!'a'-o! of '/e !e0 *o&>e!sa'-o! >a*Aage7 '/e
ICSC a.so so%g/' a!" ,e*e-3e" a"3-*e f,o& '/e Off-*e of Lega. Affa-,s 1BOLAE2
I 0/-*/ -s >a,' of '/e U!-'e" Na'-o!s Se*,e'a,-a7 a*'s as Co%!se. fo, '/e
Res>o!"e!' -! *ases +efo,e '/e A>>ea.s T,-+%!a. a!"7'/%s7 -s a! -!'e,es'e" >a,'? I
o! >oss+.e -!f,-!ge&e!' of a*J%-,e" ,-g/'s of e4-s

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10.

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1*2 T/e a&o%!' of '/e ',a!s-'o!a. a..o0a!*e s/a.. +e
,e"%*e" +? o!e >e,*e!'age >o-' e3e,? 12 &o!'/s '/e,eaf'e,7 %!'-.
'/e a&o%!' of '/e ',a!s-'o!a. a..o0a!*e -s eJ%a. o, .ess '/a! '/e
a&o%!' of '/e "e>e!"e!' */-." a..o0a!*e >,o3-"e" fo, %!"e, s'aff

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2 . O! 1 9a,*/ 2017 /e A>>.*a!' s%+&-'e" a ,eJ%es' fo, &a!age&e!'
e3a.%a'-o! */a..e!g-!g B'/e "e*-s-o! of '/e A"&-!-s',a'-o! 'o a.'e, a f%!"a&e!'a.
a!" esse!'-a. *o!"-'-o! of /e, e&>.o?&e!' ,e.a'-!g 'o /e, sa.a.?E a!" o!
(9a? 2017 /s/e ,e*e-3e" a ,es>o!se f,o& '/e 9a!age&e!' E3a.%a'-o! U!-'
-!fo,&-!g /e, '/a' '/e Se*,e'a,?;Ge!e,a. /a" "e*-"e" 'o %>/o." '/e *o!'es'e"
"e*-s-o!.

2F.

2). =,o& 20 'o 22 Se>'e&+e, 2017' /e T,+% !a. /e." a /ea,-!g o! '/e &e,-'s o!
'/e 11 a+o3e;&e!'-o!e" *ases' 0 /e,e -' /ea," '0o 0-'!esses >,o>ose" +? '/e
Res>o!"e!'7 !a&e.?:

a. T/e C/-ef' Pa?&e!'s a!" Pa?,o.. U!-'7 UNOG' 'o e4>.a-! '/e f-la!*-a.
-&>.-*a'-o!s of '/e U!-f-e" Sa.a,? S*a.e' /'e "e'a-s of '/e >a?s.->s a!" '/e
,e*o!*-.-a'-o! e4e,*-sel a!"

+. A 6%&a! Reso%,*es Off-*e,7 O6R 9' 'o e4>.a-! '/e +a*Ag,o%!" of '/e
a"o>'-o! of '/e U!-f-e" Sa.a,? S*a.e' a!" '/e &a! !e, -! 0/-*/ -' 0as
-&>.e&e!'e".

2(O! 2(Se>'e&+e, 2017' /e >a,-'es f-e" a""-'o!a. s%+&-ss-o!s >%,s%a!' 'o
'/e T,+% !a.Hs "-,e*'-o!s a!" '/e A>>.-*a!'s so%g/' .ea3e 'o a&e!" '/e-
a>>.-*a'-o!s. O! F O*'o+e, 2017' ea*/ >a,'? ,es>o!"e" 'o '/e s%+&-ss-o!s of '/e
o'/e, >a,'?.

! " # \$

0. T/e A>>.-*a!'Hs >,-!*->a. *o!'e!'-o!s a,e:

*eceive ility

a. T/e A>>.-*a!'s a,e !ega'-3e.? affe*'e" +? '/e *o!'es'e" "e*-s-o!s. T/e?
-!*%, a ,e""*'-o! of '/e-, g,oss a!" !e' +ase sa.a,-es' 0/-*/ "o !o' !o0
-!*%."e a "e>e!"e!*? *o&>o!e!". T/-s .oss -s f%,/e, agg,a3a'e" +? '/e
,e""*'-o! of '/e ',a!s'-o!a. a..o0a!*e +? oe >e,* e!'age >o-'! ea*/ ?ea, as
of 1 \$a!%a,? 201)

+. T/e *o!'es'e" "e*-s-o!s a,e ,e3-e0a+.e a"&-!-s',a'-3e "e*-s-o!s as '/e?
+,ea*/ '/e A>>.-*a!'sH s>e*-f-* 'e,&s a!" *o!""-o!s of e&>.o?&e!'L

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--. S>e*-f-* >e,fo,&a!*e7 inter alia7 -! '/e fo,& of a! o,"e,: 12 'o
*/a!ge '/e *.ass-f-*a'-o! of '/e ',a!s-'-o!a. a..o0a!*e so '/a' -' -s
,e-!',o"%*e" as a sa.a,? *o&>o!e!' a!" !o' s%+@e*' 'o "e>,e*-a'-o!L
22 'o -!* ,ease '/e A>>.-*a!'sH s'e> -! g,a"e +? '/,ee s'e>sl o, 2 'o
a.%a'e '/e A>>.-*a!'sH sa.a,-es +ase" o! '/e 201# s*a.e 0/-e >a?-'!g
'/e& '/e ',a!s-'-o!a. a..o0a!*eL

---. I! '/e a'e,!a'-3e7 *o&>e!sa'-o! fo, /a,& -! '/e a&o%!' of
USD507000 fo, ea*/ A>>.-*a!'L a!"

-3. 9 o,a. "a&ages -! '/e a&o%!' of USD17000 fo, "-s*,-&-!a'-o!.

1. T/e Res>o!"e!'Hs >,-!*->a. *o!'e!'-o!s a,e:

*eceivea ility

a. T/e T,-+%!a. -s !o' *o&>e!' 'o ,e3-e0 '/e *o!'es'e" "e*-s-o!s as '/e?
0e,e 'aAe! +? '/e Ge!e,a. Asse&+.? a!" '/e Se*,e'a,?;Ge!e,a. 0as o+.-ge"
'o-&>.e&e!' '/e&7 0/-*/ /e "-" -! *a.*%a'-!g '/e A>>.-*a!'sH ,e&%!e,a'-o!
-! a**o,"a!*e 0-'/ Ge!e,a. Asse&+.? Reso.%'-o!s 70/2FF a!" 71/2# 7

ST/SGB/2017/1 IS'aff Reg%.aSe!--!!>*e!'9 9.211624(?)9.68011(80118 5 2 5 (>)0.874

(-)0.873043(o)-0.9 5 8 9 /R17 11.28 If07.814 9 6 0 Id0(P)Ij 0/R8 11.28 If018.8761 0 Id0 [(T)3.4

/. T/e ',a!s'-o!a. a..o0a!*e "oes !o' e4>ose '/e A>>.-*a!'s 'o %!"%e
/a,"s/-> as '/e &a'/e&a!-*a. >oss+--'?' of a !ega'-3e f-!a!*-a. -&>a*' o!
'/e& -s fo, a .-&-'e" '-&e a!" ,e>,ese!'s o!..? a &-!o, >e,*e!'age of '/e-,
o3e,a.. sa,a,?l

-. T/e U!-f-e" Sa.a,? S*a.e "oes !o' ',ea' fe&a.e s'aff &e&+e,s
"-ffe,e!'?' '/a! '/e-, &a.e *o..eag%es. T/e A>>.-*a!'sH asse,'-o! '/a' &o,e
fe&a.e s'aff &e&+e,s a,e .-Ae.? 'o /a3e a !o!;"e>e!"e!' s>o%se -s >%,e.?
s>e*%.a'-3el a!"

@. As 'o ,e&e"-es7 '/e,e -s !o "e*-s-o! of '/e Se*,e'a,?;Ge!e,a. 'o ,es*-"
a!" a!' a0a," of *o&>e!sa'-o! 0o%." effe*'-3e.? o3e,%,! '/e "e*-s-o! of
'/e Ge!e,a. Asse&+..?l 0/-*/ '/e T,-+%!a. /as !o>o0e, 'o "o. =%,'/e,&o,e7
s>e*-f-*>e,fo,&a!*e *a! !o' +e o, "e,e" 'o a.'e, '/e s'aff &e&+e,sH *o!"-'-o!s
of e&>o?&e!'7 0/-*/ a,e se' o%' -! '/e S'aff Reg%.a'-o!s a!" R%.es.

*receiva ility

Co!'es'e" "e*-s-o!s

A' '/e o%'se'7 '/e T,-+%!a. !o'es '/a' '/e,e -s so&e *o!f%o! as 'o '/e e4a*
!a'% ,e of '/e *o!'es'e" "e*-s-o!s '/a' '/e A>>.-*a!'s seeA 'o */a..e!ge. As ,e*a..e"
+? '/e A>>ea.s T,-+%!a.7 -' fa..s %!"e, '/e T,-+%!a.Hs ,o.e B

&assa ni 2012;UNAT;2)2.

. I! '/e-, a>>.-*a'-o!s7 '/e A>>.-*a!'s -"e!'-f-e" '/e *o!'es'e" "e*-s-o!s as
+e-!g BC'D/e "e*-s-o! of '/e A"&-!-s',a'-o! 'o ,e"%*e C'/e-,D *o!','a*'e" sa.a,? a!"
'/e &a! !e, of '/e -&>.e&e!'a'-o! of '/e U!-f-e" Sa.a,? S*a.eE. I! '/e-, ,es>o!se 'o
'/e Res>o!"e!Hs ,e>.?"a"e" 12 \$%!e 2017! '/e A>>.-*a!'s *.a,-f-e" '/a' '/e? seeA
'o */a..e!ge B'/e fa-.,e of '/e Se*,e'a,?;Ge!e,a. 'o *a.,? o%' f%..? /-s &a!"a"e"
o+.-ga'-o!s ,ega,"-!g '/e &a! !e, of '/e -&>.e&e!'a'-o! of '/e U!-f-e" Sa.a,? S*a.e

a!" !o' '/e Reso.%'-o! of '/e Ge!e,a. Asse&+.?E. T/e? f%, '/e, s'a'e '/a' -' -s '/e
fa-.%,e of '/e Se*,e'a,?;Ge!e,a. 'o a**o%! fo, '/e A>>.-*a!'sH a*J%-,e" , -g/'s '/a'
-s a! a>>ea.a+.e a"&-!-s',a'-3e "e*-s-o!. I! '/e-, a&e!"e" a>>.-*a'-o!s7 '/e
A>>.-*a!'s f%, '/e, *.a,-f-e" '/a' '/e? BseeA 'o */a..e!ge '/e -&>.-e" "e*-s-o! of '/e
Se*,e'a,?;Ge!e,a. -! fa.-!g 'o e4e,*-se /-s -! /e,e!" -s*,e'-o! -! '/e &a'e, of '/e
-&>.e&e!'a'-o! of '/e U!-f-e" Sa.a,? S*a.eE.

F. =,o& '/e A>>.-*a!'sH s%+&-ss-o!s 'aAe! as a 0/o.e7 '/e T,-+%!a. %!"e,s'a!"s
'/a' -! esse!*e7 '/e? +ase '/e-, *o&>.a-'s o! '/e fa*' '/a' -! -&>.e&e!'!-!g '/e
U!-f-e" Sa.a,? S*a.e7 '/e Se*,e'a,?;Ge!e,a. ,e"%*e" '/e-, sa.a,? as of 1 \$a!%a,?
2017+? ,e&o3-!g '/e >o,-o! 0/-*/ 0as >,e3-0% s.? *a.*%a'e" a!" >a-" o! '/e +as-s
'/a' '/e? /a3e "e>e!"e!"s2. 5 /-s' '/e A>>.-*a!'s a.so ,a-se a !%&+e, of */a..e!ges
*o!*e,!-!g '/e !e0.? es'a+.-s/e" ',a!s'-o!a. a..o0a!*e7 '/e? esse!'-a..? 'aAe -ss%e
0-'/ '/e fa*' '/a' '/-s a..o0a!*e7 0/-*/ 0as es'a+.-s/e" 'o &-!-ga'e '/e-, .oss7 "oes
!o' f%..? *o&>e!sa'e fo, '/e ,e"%*-o! of '/e-, sa.a,?. I' -s !o'e" '/a' '/e A>>.-*a!'s
"o !o' */a..e!ge '/e Ge!e,a. Asse&+.?Hs ,eso.%'-o! a"o>-!g '/e U!-f-e" Sa.a,?
S*a.e as a &eas%,e of ge!e,a. a>>.-*a'-o! +%' so.e.? -s -&>.e&e!'a'-o! +? '/e
Se*,e'a,? Ge!e,a. -! '/e-, >a,'-*%a. *ases7 o! '/e +as-s '/a' -' a..ege".? 3-o.a'es
'/e-, -!"-3-"%a. *o!' ,a*%a. a!" a*J%-,e" , -g/'s.

5. I! '/-s *o!'e4'7 '/e *o!'es'e" "e*-s-o!s a,e 'o +e -"e!'-f-e" as '/e
Se*,e'a,?;Ge!e,a.Hs "e*-s-o!s7 -! -&>.e&e!'!-!g '/e U!-f-e" Sa.a,? S*a.e7 'o >a? '/e
A>>.-*a!'s a sa.a,? ,e"%*e" of '/e >o,-o! 0/-*/ 0as >,e3-0% s.? >a-" o! '/e +as-s
'/a' '/e? /a3e "e>e!"e!"s2.

5 /e'/e, '/e *o!'es'e" "e*-s-o!s *o!'s'-'%e a"&-!-s',a'-3e "e*-s-o!s

#. T/e @%,-s"-*'-o! of '/e D-s>%e T,-+%!a. -s "ef-!e" -! a,'. 2 of -s S'a%'e7
0/-*/ >,o3-"es -! -s ,e.e3a!' >a,':

1. T/e D-s>%e T,-+%!a. s/a.. +e *o&>e'e!' 'o /ea, a!" >ass
@%"ge&e!' o! a! a>>.-*a'-o! f.-e" +? a! -!"-3-"%a.7 as >,o3-"e" fo,
-! a,'-*e 7>a,ag,a>/ 17 of '/e >,ese!' s'a%'e7 aga-!s' '/e Se*,e'a,?;
Ge!e,a. as '/e C/-ef A"&-!-s',a'-3e Off-*e, of '/e U!-f-e" Na'-o!s:

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F2. T/e I!'e,!a'-o!a. Co%, ' of \$%s'-'*e IBIC\$E2 e4>.-*-'.'? ,e*og!-se" '/e ,o.e
>.a?e" +? '/e fo,&e, U!-'e" Na'-o!s A"&-!-s',a'-3e

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of e&>.o?&e!'. I! '/-s *o!!e*-o!7 -' -s !o'e" '/a' '/e ,o.e of '/e T,+%!a.7 as
"ef-!e" -! -s S'a%'e7 -s !o' 'o *o!',o. '/e .ega.-'? of '/e a*-o!s 'aAe! +? '/e
Se*,e'a,?;Ge!e,a. +% ' ,a'/e, 'o "e'e,&-!e 0/e'/e, '/e? a,e -! +,ea*/ of '/e s'aff
&e&+e,sh 'e,&s a!" *o!"-!-o!s of e&>.o?&e!'. I! ,e3-e0-!g a"&-!-s',a'-3e
"e*-s-o!s7 '/e T,+%!a. &%s' 'aAe -!o a**o%!' a.. ,e.e3a!' ,%.es a!" ,eg%.a'-o!s
a>>.*a+.e 'o '/e s-'a'-o! a' /a!"7-! .-!e 0-'/ a,'. 2.11a2 of -s S'a%'e7 0/-*/ s'a'es
'/a' BC'D/e 'e,&s R*o!',a*"H a!" R'e,&s of a>>o-!'&e!'H -!*.%"e a.. >e,-!e!'
,eg%.a'-o!s a!" ,%.es a!" a.. ,e.e3a!' a"&-!-s',a'-3e -ss%a!*es -! fo,*e a' '/e '-&e
of a..ege" !o!C;D*o&>.-a!*eE. 5 /a' '/e Res>o!"e!' -s -! fa*' asA-!g '/e T,+%!a.
'o "o-s 'o 'aAe -!'o a**o%!' o!..? '/e Ge!e,a. Asse&+?. ,eso.%'-o!s '/a' e!a*"e" '/e
U!-f-e" Sa.a,? S*a.e a!" 'o "-s,ega," a!?' o'/e, ,%.e '/a' &a? +e ,e.e3a!' 'o '/e
*ases. T/-s *a! !o' +e "o!e.

#5. T/e IC\$ s>e*-f*a..? a"" ,esse" '/-s s-'a'-o! -! -s Advisory /pinion on the
Application for *review of 2ud''ment 0o- 345 of the United 0ations Administrative
Iri unal II.C.\$. Re>o,'s 1()27 >. 257 >a,a. 7#27 0 /e,e -' s'a'e":

Ce,'a-!..? '/e T,+%!a. &%s' a**e>' a!" a>>..? '/e "e*-s-o!s of '/e
Ge!e,a. Asse&+?. &a"e -! a**o,"a!*e 0-'/ A,'-*.e 101 of '/e
U!-'e" Na'-o!s C/a,'e,. Ce,'a-!..? '/e,e *a! +e !o J%es'-o! of '/e
T,+%!a. >ossess-!g a!?' B>o0e,s of @%"-*.a. ,e3-e0 o, a>>ea. -!
,es>e*' of '/e "e*-s-o!sE 'aAe! +? '/e Ge!e,a. Asse&+?.? >o0e,s
0/-*/ '/e Co%, '-se.f "oes !o' >ossess II.C.\$. Re>o,'s 1(717 >. F57
>a,a.)(2. No, "- 'e T,+%!a. s%>>ose '/a' -' /a" a!?' s%*/
o,'-s/eo,sTAe 97o%es'-%! -s !o' 0/e'/a, '/e T,+!!aJ

##. T/e IC\$ e4>,ess.? ,e@e*'e" '/e a,g%&e!' '/a' '/e fo,&e, U!-'e" Na'-o!s
A"&-!-s',a'-3e T,-+% !a. &a? /a3e e4*ee"e" -'s @%,-s"-*'-o! -! ,e3-e0-!g a "e*-s-o!
of '/e Se*,e'a,?;Ge!e,a. '/a' -&>.e&e!'e" a "e*-s-o! a"o>'e" +? '/e Ge!e,a.
Asse&+.? a!" e4a&-!-!g 0/e'/e, -' 3-o.a'e" '/e A>>.-*a!'Hs a*J%-e" ,-g/'s:

7). 6o0e3e, '/a' &a? +e7 '/e T,-+% !a.Hs *o&>e'e!*e -s "ef-!e"
-! A,'-*.e 2 of -'s S'a%'e7 a!" '/e >e,-!e!' >a,ag,a>/ ,ea"s as
fo..o0s:

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'/e& a >,e@%"-*e fo, 0/-*/ '/e? &a? +e e!-''.e" 'o *.a-& *o&>e!sa'-o!7 a!" 0/e,e
'/e O,ga!-Ga'-o!Hs -&&%!-'? of @%, -s"-*'-o! +a,s a!? o'/e, .ega. a3e!%e.

#). I!"ee"7 '/e fo,&e, U!-'e" Na'-o!s A"&-!-s',a'-3e T,-+%!a. ,e.-e" %>o! '/-s
IC\$ o>-!-o! -! (onh et al- 'o f-!" '/a' -' 0as *o&>e'e!' 'o ,e3-e0 a "e*-s-o! +? '/e
Se*,e'a,?;Ge!e,a. 'o ,e"%*e '/e >e!s-o! >a-" 'o ,e-',e" s'aff &e&+e,s -! .o*a.
%,,e!?7 0/-*/ -&>.e&e!'e" a "e*-s-o! +? '/e Ge!e,

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'/a' 0/-*/ -s >%,>o,'e" 'o +e "o!e7 -' s/a.. !o' >,e@%" -*e '/e e4-s' -!g ,g/'s 0/-*/
/a3e +ee! a*J%-,e".

7(. P%,s%a!' 'o s'aff ,%.e F.1:

T/e .e'e, of a>>o-!'&e!' -ss%e" 'o e3e,? s'aff &e&+e, *o!'a-!s
e4>,ess.? o, +? ,efe,e!*e a.. '/e 'e,&s a!" *o!"-!o!s of
e&>.o?&e!'. A.. *o!',a*%a. e!'-.e&e!'s of s'aff &e&+e,s a,e
s',-*!?' .&-!e" 'o '/ose *o!'a-!e" e4>,ess.? o, +? ,efe,e!*e -! '/e-
.e'e,s of a>>o-!'&e!'.

)0. Se*-o!s la2 a!" 1+2 of A!!e4 II 'o '/e S'aff Reg%.a'-o!s a!" R%.es a.so
>,o3-"e '/a':

la2 T/e .e'e, of a>>o-!'&e!' s/a.. s'a'e:

1-2 T/a' '/e a>>o-!'&e!' -s s%+@e*" 'o '/e >,o3-s-o!s of '/e S'aff
Reg%.a'-o!s a!" of '/e S'aff R%.es a>>.*a+.e 'o '/e *a'ego,? of
a>>o-!'&e!' -! J%es'-o! a!" 'o */a!ges 0/-*/ &a? +e "%.? &a"e -!
s%*/ ,eg%.a'-o!s a!" ,%.es f,o& '-&e 'o '-&eL

1--2 T/e !a%,e of '/e a>>o-!'&e!'L

1--2 T/e "a'e a' 0/-*/ '/e s'aff &e&+e, -s ,eJ%-,e" 'o e!'e, %>o!
/-s o, /e, "%'-esL

1-32 T/e >e,-o" of a>>o-!'&e!'7 '/e !o'-'e ,eJ%-,e" 'o 'e,&-!a'e
-' a!" '/e >e,-o" of >,o+a'-o!7-f a!?!L

132 T/e *a'ego,?7 .e3e.7 *o&&e!*-!g ,a'e of sa.a,? a!"7 -f
-!*e&e!'s a,e a.o0a+.e7 '/e s*a.e of -!*e&e!'s7 a!" '/e &a4-&%&
a'a-!a+.eL

13-2 A!? s>e*-a. *o!"-!o!s 0/-*/ &a? +e a>>.*a+.eL

13--2 T/a' a 'e&>o,a,? a>>o-!'&e!' "oes !o' *a,,? a!?
e4>e*a!*?7 .ega. o, o'/e,0-se7 of ,e!e0a.. A 'e&>o,a,?
a>>o-!'&e!' s/a.. !o' +e *o!3e,'e" 'o a!?' o'/e, '?>e of a>>o-!'&e!'L

13--2 T/a' a f-4e";e,& a>>o-!'&e!' "oes !o' *a,,? a!?
e4>e*a!*?7 .ega. o, o'/e,0-se7 of ,e!e0a. o, *o!3e,s-o!7
-,es>e*-3e of '/e .e!g'/ of se,3-*eL

1+2 A *o>? of '/e S'aff Reg%.a'-o!s a!" '/e S'aff R%.es s/a.. +e
'a!s&-!e" 'o '/e s'aff &e&+e, 0-'/ '/e .e'e, of a>>o-!&e!' !!
a**e>'!g a>>o-!&e!' '/e s'aff &e&+e, s/a.. s'a'e '/a' /e o, s/e /as
+ee! a*J%a-!e" 0-'/ a!" a**e>'s '/e *o!"-'-o!s .a-" "o0! -! '/e
S'aff Reg%.a'-o!s a!" -! '/e S'aff R%.esC.D

)1. !! .-!e 0-'/ '/ese >,o3-s-o!s7 ea*/ of '/e A>>.-*a!'sH -!"-3-"%a. -!-!a. .e'e,
of a>>o-!&e!' -!"-*a'e" '/e fo..o0-!g:

Assessa+.e Sa.a,?: 444 G,oss >e, a! !%&7 0/-*/ af'e, U!-'e"
Na'-o!s s'aff assess&e!' g-3es a!
a>>,o4-&a'e !e' sa.a,? >e, a! !%& of
(USD)N7 0/-*/ &a? ,se7 0/e,e
a>>.-*a+.e a!" s%+@e*' 'o sa'-sfa*'o,?
se,3-*e7 -! a**o,"a!*e 0-'/ '/e
s*/e"%e of -!*e&e!'s fo, '/-s
*a'ego,? a!" .e3e. se' o%' -! '/e S'aff
Reg%.a'-o!s a!" S'aff R%.es.

)2. T/e a&o%' of g,oss a!" !e' sa.a,? 3a,-e" of *o%,se -! ,es>e*' of ea*/
-!"-3-"%a. A>>.-*a!'.

) . I' -s !o'e" '/a' '/e A>>.-*a!'sH .e'e,s of a>>o-!&e!' ,efe, 'o' /e B!e' sa.a,?E
as +e-!g' /e g,oss sa.a,? &-!%s s'aff assess&e!' . T/-s -s -! .-!e 0-'/ '/e 'e,&-!o.og?
%se" o! '/e sa.a,? s*a.e7 0/-*/ -s a! a!!e4 'o' /e S'aff Reg%.a'-o!s a!" R%.es. T/e
e4>,ess-o! B!e' +ase sa.a,?E -s &o,e ge!e,a..? %se" -! '/e S'aff Reg%.a'-o!s a!"
R%.es7 !o'a+.? fo, '/e *a.*%a'-o! of '/e "e>e!"e!*? a!" ',a!s-'o!a. a..o0a!*es. I'
-s %!"e,s'oo"7 /o0e3e,7 '/a' '/e '0o e4>,ess-o!s +ea, '/e sa&e &ea!-!g. T/e
T,-+%!a. 0-- '/e,efo,e %se '/e 'e,&-!o.og? *o&&o!?.? %se" -! '/e *%,,e!' e"-!-o!
of '/e S'aff Reg%.a'-o!s a!" R%.es7 a!" ,efe, 'o B!e' +ase sa.a,?E as +e-!g' /e g,oss
sa.a,? &-!%s s'aff assess&e!'.

)F. T/,o%g/o%' '-&e7 '/e A>>.-*a!'sH g,oss a!" !e' +ase sa.a,-es -!*e,ase"7 as
a! !o%!*e" -! '/e-, .e'e, of a>>o-!&e!'7 e-'/e, +? a**e"-!g'o>,o&o'-o!s7,ea*/-!g

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

A"&-!-s',a'-o!7 0/-*/ fa*'o,s '/e -&>a*' of '/e U!-f-e" Sa.a,? S*a.e7 '/e
A>>.-*a!'s 0-.. s%ffe, .osses as fo..o0s.²

(0. T/e ',a!s-'o!a. a..o0a!*e of '/e A>>.-*a!' 9 ,s. :%-@a!o;E3a!s 0-..go "o0!

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

"e'e,&-!a'-3e of '/e !e' sa.a,?. I! '/-s ,es>e*'7 '/e Res>o!"e!' s'a'es '/a' BC%D!.-Ae
-! '/e o%'s-"e 0o,."7 0/e,e '/e g,oss sa.a,? -s ,e"%*e" +? -!*o&e 'a47 s'aff
assess&e!' -s a! a"";o! 'o '/e !e' sa.a,?7 0/-*/ -s '/e s'a,-!g >o-!' of '/e
>a?;se''-!g >,o*ess. I! o'/e, 0o,"s7 '/e g,oss sa.a,-es a,e es'a+.-s/e" +? g,oss-!g

No.)27 Puvre\$ 11(#127 No. 27 1 &ortished 11()127 *o!f-,&e" +? '/e IC\$Hs Advisory /pinion on '/e Application for review of 2ud"ment 0o- 345 of the United 0ations Administrative Iri unalL +? '/e ILOAT lsee7 e.g.7 \$%"g&e!'s No. #17 #indsey 11(#227 >a,a. 12L No. #57 #amadie 70o- 38 and)raanen 11(7)2L No. (17 &ertens n: 3 11(7(2L No. (17 #os +o os and , en"er 11()02 a!" +? '/e 5 o,." Ba!A A"&-!-s',a'-3e T,-+% !a. 1\$%"g&e!" No. 17 de &erode et al- 11()127 a' >a,a. FF2. I' 0o%." '/%s a>>.? e3e! -f -' 0as !o' fo,&a..? e!a*e" -! s'aff ,eg%.a'-o! 12.1 lsee Ayou 2. As '/e A>>ea.s T,-+% !a. /e." -! De A"uirre 201#;UNAT;7057 B-! -!e,>,e'-!g '/e 'e,&s of a s'aff &e&+e,Hs a>>o-!&e!'7 0e &a? ",a0 %>o! ge!e,a. >,-!*->.es of .a0 -!sofa, as '/e? a>>.? 'o '/e -!e,!a'-o!a. *-3- se,3-*e Cfoo' !o'e o&-'e"DE.

100. I' fo..o0s '/a'7 +? -s !a%,e a!" *o!'e!'7 s'aff ,eg%.a'-o! 12.1 a!" '/e a*J%-," ,g/'s g%a,a!'ee" '/e,e-! 'aAe >,e*e"e!*e o3e, o'/e, s'aff ,eg%.a'-o!s a!" ,%.es go3e,-!g '/e s'aff &e&+e,sH *o!"-'-o!s of e&>.o?&e!'! !!"ee"7 '/e ,e*og!-'-o! of s'aff &e&+e,sH a*J%-," ,g/'s 0o%." /a3e !o 3a.%e a!" s'aff ,eg%.a'-o! 12.1 0o%." +e "e>,-3e" of -s &ea!-!g -f '/e O,gal-Ga'-o! 0as a..o0e" 'o -!f,-!ge o! '/e& +? '/e &e,e a"o>'o! of *o!f.-*-'!g s'aff ,eg%.a'-o!s. I' -s '/e '/',ea" 0/*- /as +ee! *o!s-s'e!' a!" ,% !s '/',o%g/ '/e *o!' ,a*'s of ea*/ of '/e A>>.-*a!'s. A' '/e 3e,? .eas'7 a!?" "e,oga'-o! 'o s'aff ,eg%.a'-o! 12.1 0o%." !ee" 'o +e &a"e e4>.-*-'? a!" -' &a? e4>ose '/e O,gal-Ga'-o!Hs .-a+-.'? fo, +,ea*/ of *o!' ,a*'s. I! '/-s *o!'!e*'-o!7 \$%"ge 9 os,e, s'a'e" -! /-s Se>a,a'e O>-!-o! 'o '/e IC\$Hs Advisory /pinion in the Application for *eview of 2ud"ment 0o- 345 of the United 0ations Administrative Iri unal '/a':

). T/-s ,eg%.a'-o! CS'aff Reg%.a'-o! 12.1 o! A*J%-," R-g/'sD -s '/e /-g/e, !o,& -! '/e /-e,a,*/? of '/e .ega. >,o3-s-o!s a>>.-*a+e 'o '/e >,ese!' *ase. Reso.%'-o! F/1#5 C'/e Ge!e,a. Asse&+.?Hs Reso.%'-o! s%+@e*' 'o '/e IC\$Hs *aseD *o%." !o' /a3e '/e effe*' of */a!g-!g '/e .a0 s-!*e -' "- !o' e-'/e, a&e!" Reg%.a'-o! 12.1 o, *.ea,..? s'a'e' /a' '/e Ge!e,a. Asse&+.? "e*-14.32 5 2(,)13 9 ()- (o)-0.9 5 8%a/31.0778(")-0.33()

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

101. I! a!? e3e!7 !o "e,oga'-o! f,o& s'aff ,eg%.a'-o! 12.1 0as &a"e7 o, *a! +e

-&>.e"7 -! a"o>'!g '/e U!-f-e" Sa.a,? S*a.e a!" fo, '/e ,eas4.84 924()-6 9 .7617(!)-0.- 5 8 9 2(g) 9 .64.-

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

10). A f%!"a&e!'a. a!" esse!'-a. 'e,& of e&>.o?&e!' &a? +e e4>,esse" -! '/e
s'aff &e&+e,sH .e''e,s of a>>o-!'&e!' o, -! '/e -!'e,!a. .a0s of '/e O,gat-Ga'-o!
As '/e 5 o,." Ba!A A"&-!'s',a'-3e T,-+%!a. /e." -! de &erode et al-7 BC-D! so&e
ases '/e "-s-!'-o! 0-.. ,es%>o! a J%a!-'a'-3e *,-'e,-o!L -! o'/e,s7 -' 0-.. ,es' o!
J%a.-'a'-3e *o!s-"e,a'-o!sE. 6o0e3e,7 a 'e,& of e&>.o?&e!' 0/-*/ -s e4>.-*-'? se'
o%' -! a .e''e, of a>>o-!'&e!' -s >,es%&e" 'o +e f%!"a&e!'a. a!" esse!'-a. 1Ayou 7
a' >a,as 1F;157 &ertens7 de &erode et al-7 a' >a,a. F 2.

10(. I! '/-s *o! !e*'-o!7 '/e T,-+%!a. !o'es '/a' '/e 'e,&s of a>>o-!'&e!' *%,.e!'.?
se' o%' +? '/e O,gat-Ga'-o! -! '/e .e''e,s of a>>o-!'&e!' of -'s s'aff &e&+e,s a,e
3e,? .-&-'e"7 as >e, '/e >,o3-s-o!s of se*. la2 of A!!e4 II 'o '/e S'aff Reg%.a'-o!s

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

112. A>>.?-!g '/-s 'es' 'o' /e >,ese!' *ases7 '/e T,-+% !a. f-!"s' /a' '/e sa.a,? -s a
f%!"a&e!'a. a!" esse!'-a. 'e,& of e&>.o?&e!' of '/e

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

J%a!'%& of '/e A>>.*a!'sH !e0 sa.a,-es '/%s e!@o?s '/e sa&e >,o'e*'-o! as '/e-,
-!-'-a. o!es. I! '/-s *o! !e*'-o!7 '/e ILOAT a*A!o0.e"ge" -! Ayou '/a' '/e "o*",-!e

a"3-*e f,o& OLA7 0/-*/ -s %!"e, '/e go3e,! of '/e Se*,e'a,?;Ge!e,a.. 6o0e3e,7
as "-s*%sse" +e.o07 '/-s *o!s%.!a'-o! 0as "o!e -! a &os' -!a>>,o>,-a'e &a!le,
0/-*/ *o&>,o&-se" '/e -!"e>e!"e!*e of '/e ICSC.

120. A,-*e #.1 of '/e S'a%'e of '/e ICSC IBICSC S'a%'eE2 >,o3-"es:

T/e Co&&-ss-o! s/a.. +e ,es>o!s+e as a +o"? 'o '/e Ge!e,a.
Asse&+?. I's &e&+e,s s/a.. >e,fo,& '/e-, f%!*'-o!s -! f%..
-!"e>e!"e!*e a!" 0-' / -&>a,'-a-'?l '/e? s/a.. !o' seeA o, e*e-3e
-!s',%*'-o!s f,o& a!/? Go3e,!&e!'7 o, f,o& a!/? se*,e'a,-a' o, s'aff
asso*-a'-o! of a! o,ga!-Ga'-o! -! '/e U!-'e" Na'-o!s *o&&o!
s?s'e&.

121. I!"e>e!"e!*e of '/e ICSC f,o& '/e Se*,e'a,-a' of '/e U!-'e" Na'-o!s7 a!"
'/%s -'s E4e*%-3e7 -s f%, '/e, &a"e *.ea, '/,o%g/ a,. 20 of '/e ICSC S'a%'e
>,o3-"-!g fo, '/e se.e*'-o! a!" s'a%'s of -'s s'aff. T/e C/a-,&a! of '/e ICSC -s
e! ',a. 'o '/e se.e'-o! >,o*ess7 a!" -&>o,'a!'.?7 '/e s'aff of '/e ICSC a,e 'aAe! o%'
of '/e Se*,e'a,-a'hs a"&-!-s',a'-3e ,e>o,-!g .-!es +? +e-!g ,ega,"e" fo,
a"&-!-s',a'-3e >%,>oses Bas off-*a.s of '/e U!-'e" Na'-o!sE. T/e ICSC 0as f%, '/e,
e&>o0e,e" +? a,. 20.F of -'s S'a%'e 'o Be&>.o? s%*/ e4>e,'s a!" a%4-.a,? s'aff as
-' &a? "ee& !e*essa,?E. I' goes 0-' /o%' sa?-'g '/a' '/ese e4>e,'s s/a.. s-&-a,.? +e
-!"e>e!"e!". T/-s a"3-so,? ,o.e -s "-ffe,e!' f,o& '/e *o!s%.!a'-3e o!e '/a' -s

0,-'e! s'a'e&e!'s 'o' /e Co&&-ss-o! o! &a'e,s of *o!*e,! 'o' /e&7
e-' /e, a' /e ,eJ%es' of ' /e Co&&-ss-o! o, o! /e-, o0! -!-'a'-3e.

12 . TaA-!g -!'o *o!s-"e,a'-o! /'e a+o3e &e!'-o!e" ICSC!s .ega. f,a&e0o,A a!"
' /e !a'% ,e of -'s f%!*'-o!s' /'e T,-+% !a. -s of ' /e 3-e0 ' /a' a * ,ea, "-s'-!*'-o! 0as
s%>>ose" 'o +e &a-!'a-!e" +e'0ee! /'e UN se*,e'a,-a' a!" /'e a"3-so,? +o"? "%,-!g
' /e *o!s%. 'a'-o! s'age fo, /'e ,e3-s-o! of ' /e ,e&%!e,a'-o! s*/e&e. S-g!-f-*a!' .?7
' /e ICSC 0as "-,e*e'e" +? -'s S'a%'e 'o -!"e>e!"e!".? assess >o'e!"-a. -ss%es of
a*J%-,e" , -g/'s s'e&&-!g f,o& /'e !e0 ,e&%!e,a'-o! s*/e&e -' e!3-sage" 'o a"o>
-! &aA-!g -'s ,e*o&&e!"a'-o!s 'o' /'e Ge!e,a. Asse&+.?. A, ' 2# of ' /e ICSC
S'a%'e >,o3-"es -! /'-s ,es>e*' /'a':

T /e Co&&-ss-o!7 -! &aA-!g -'s "e*-s-o!s a!" ,e*o&&e!"a'-o!s7 a!"
' /e e4e*%' -3e /ea"s7 -! a>>.?-!g /'e&7 s/a.. "o so 0-' /o%' >,e0%" -*e
'o' /'e a*J%-,e" , -g/'s of ' /e s'aff %!"e, /'e s'aff ,eg%.a'-o!s of ' /e
o,ga!-Ga'-o!s *o!*e,!e".

12F. 6o0e3e,7 "%,-!g /'e *o!s-"e,a'-o! of /'-s &a'e, +? /'e T,-+% !a.7 a!"
fo..o0-!g /'e s%+&-ss-o!s a!" /'e e3-"e!*e >,o3-"e" 'o -'7 /'e T,-+% !a. !o'e" /'a'
' /e -!"e>e!"e!*e a!" -&>a,-a-?' of ' /e ICSC -! /'e *o!s-"e,a'-o! of -&>.*a'-o!s
of ' /e U!-f-e" Sa.a,? S*a.e o! /'e a*J%-,e" , -g/'s of se,3-!g s'aff &e&+e,s 0o%."
a>>ea, 'o /a3e +ee! *o&>,o&-se"7 +o' /'e a*'-o!s of ' /e ICSC a!" /'e
Res>o!"e!".

125. I' -s a>>a,e!' f,o& o,a. e3-"e!*e /ea," a!" f,o& /'e ICSC 2015 Re>o,' /'a'
' /e Co&&-ss-o! so%g/' B.ega. "ef-!-'o! a!" g%-"a!*e f,o& COLADE of ' /e U!-e"
Na'-o!s Se*,e'a,-a'7 -! ,es>e*' of >oss-+e -ss%es of a*J%-,e" , -g/'s -! /'e
-&>.e&e!'a'-o! of ' /e !e0 *o&>e!sa'-o! >a*Aage a!" /'e -!'o"%"*'-o! of
' ,a!s'-o!a. &eas%,es fo, /'e >%,>ose of ' /e ,e*o&&e!"a'-o!s -' >,o>ose" 'o &aAe
'o' /'e Ge!e,a. Asse&+.?. I' 0as >,o3-"e" 0-' /' s%*/ a"3-*e +? OLA. T /e ICSC
'o'e" /'a' OLA >,o3-"e" Bs%&&a,? -!fo,&a'-o!E7 /o0e3e, ' /e a"3-*e g-3e! 0as
s%+s'a!' -3e -! !a'% ,e. A.so7 -' -s !o'e" /'a' /'e ICSC ,e>,o"%"*e" o!..? a s%&&a,? of
' /e a"3-*e a!" -' ,e&a-!s %!* ,ea, 0 /e' /e, ' /e f%.. a"3-*e >,o3-"e" 0e!' f%,' /e, a!"
a*!%a..? >,o3-"e" a! o>-!-o! as 'o >oss-+e 3-o.a'-o!s of a*J%-,e" , -g/'s -!
-&>.e&e!'-!g /'e U!-f-e" Sa.a,? S*a.e. T /-s ,a-ses a !%&+e, of s>e*-f-* -ss%es of

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

*o!*e.8276 9 1(1)-0.8276 9 1(71a24-01701()] a 5 4.127 9 (7) 9 . 6 9 9 382d0 [47q08 9 1(a276 9 1(71a2s) 5 9 .16

1F#. T/e Off-*e of Lega. Affa-,s fo%! " '/a' a.'/o%g/ '/e
U!-'e" Na'-o!s A>>ea.s T,-+% !a. /a" "-s*%sse" s%+s'a!' -3e.? '/e
*o!*e>' of a*J%-,e" ,-g/'s -! so&e #0 *ases7 o!..? -!
a>>,o4-&a'e.? 12 of '/ose "-" '/e T,-+% !a. f-!" a +,ea*/ of a!
a*J%-,e" ,-g/'. T/e ILO A"&-!-s',a'-3e T,-+% !a. /a" -.Ae0-se
-!'e,>,e'e" '/e *o!*e>' of Ba*J%-,e" ,-g/'sE *o!se,3a'-3e.?. Of
a,o%!")0 *ases ,e.a3.6 6 6 5 3(")]1347(/)-0.9 6 c m 32.371(,)2. 5 788(-)2.6 ()-144.371(O)-2.79

12). T/e ICSC so%g/' a!" ,e*e-3e" .ega. a"3-*e f,o& >a,' of '/e o,ga!-Ga'-o! -'
0as s%>>ose" 'o -!"e>e!"e!'.? a"3-se. l' a+,oga'e" '/e !a%,e of '/e &-ss-o! -' 0as
s%>>ose" 'o >e,fo,& a!" *o&>,o&-se" '/e -!"e>e!"e!*e a!" -&>a,'-a.-'? e4>e*'e"
f,o& -'.

*emedies

12(. T/e T,-+%!a. s/a.. *o!s-"e, '/e ,e&e"-es so%g/' +? '/e A>>.*a!'s7 .-s'e" -!
>a,a. 0.g a+o3e7 -! .-g/' of a,'. 10.5 of -'s S'a'%e7 0/-*/ "e.-!ea'es -'s >o0e,s
,ega,"-!g '/e a0a," of ,e&e"-es.

1 0.

1 . Co!seJ%e!'.?7 '/e T,-+%!a. *.a,-f-es '/a' '/e effe*' of '/e ,es*-ss-o! e!'a-s
'/a' '/e #K ,e"%"*-o! of '/e A>>.-*a!'sH !e' sa.a,? >.%s >os' a"@"s'&e!' s/o%." +e
,e-!'eg,a'e" as >a,' of '/e-, sa.a,? f,o& \$a!%a,? 2017 o! 0a,"s. T/-s a&o%!' 0-..
!o' +e s%+@e*' 'o a!?' ,e"%"*-o! as .o!g as '/e A>>.-*a!'s *o!'-'!%e 'o &ee' '/e
e.-g+-.-'? *,-'e,-a fo, >a?&e!' a' '/e "e>e!"e!*? ,a'e7 as "ef-!e" %!"e, fo,&e, s'aff
,eg%.a'-o! .F7 s'aff ,%.e .# a!" ST/Al/2011/5 lDe>e!"e!*? s'a"%s a!" "e>e!"e!*?
+e!ef-'s2.

1 F. A.so7 '/-s a&o%!'7 +e-!g >a,' of '/e-, sa.a,?7 s/a.. +e 'aAe! -!'o a**o%!' -!' /e
*a.%a'-o! of a!?' o'/e, a..o0a!*e o, +e!ef- ' '/a' -s +ase" o! '/e !e' +ase sa.a,?.
S'aff ,%.e 1 .11 *o!*e,!-!g '/e ',a!s-'o!a. a..o0a!*e 0-.. !o' a>>.? 'o' /e
A>>.-*a!'s +e*a%se o'/e,0-se '/e? 0o%." ,e*e-3e '/e #K '0-*e.

1 5. B? '/e ,es*-ss-o! of '/e *o!'es'e" "e*-s-o!s7 '/e A>>.-*a!'s a,e f%..?
*o&>e!sa'e" fo, '/e-, >,e@%"-*e. T/e A>>.-*a!'s s%ffe,e" !o f-!a!*-a. .oss fo, 2017
as '/e? ,e*e-3e" '/e ',a!s-'o!a. a..o0a!*e7 0/-*/ 0as '/e! eJ%-3a.e!' 'o' /e
,e"%"*-o! of '/e-, sa.a,?. T/e-, s-'a'-o! fo, '/e f%'%e -s f%..? ,e&e"-e" +? '/e
,es*-ss-o!.

1 #. T/e A>>.-*a!'s a,e '/%s !o' e!'-'e" 'o a!?' *o&>e!sa'-o! fo, /a,& %!"e, a,.
101521+2 of '/e T,-+%!a.Hs S'a%'e.

1 7. T/e T,-+%!a. f%,'/e, *.a,-f-es '/a' s-!*e '/e A>>.-*a!'s 0e,e >a-" '/e f%..
,a!s-'o!a. a..o0a!*e fo, '/e ?ea, 20177 !o ,e',oa*'-3e >a?&e!' -s "%e 'o' /e& a!"
,es*-ss-o! of '/e *o!'es'e" "e*-s-o!s 0-..7 fo, a.. >,a*'-*a. >%,>oses7 o!..? /a3e a
>,os>e*'-3e effe*!.

1). l! 3-e0 of '/e fo,ego-!g7 '/e T,-+%!a. DECIDES:

- a. To ,es*-!" '/e Se*,e'a,?;Ge!e,a.Hs "e*-s-o!s 'o >a? '/e A>>.-*a!'s a
sa.a,? ,e"%"*e" of '/e >o,-o! 0/-*/ 0as >,e3-o%&s.? >a-" o! '/e +as-s '/a' '/e?
/a3e "e>e!"e!'!s2 -! -&>.e&e!'-'!g '/e U!-f-e" Sa.a,? S*a.el a!"

Case Nos. UNDT/GVA/2017/0 2
a!" 0 #

\$%"g&e!' No. UNDT/2017/0()

+. To ,e@e*' a.. o'/e, *.a-&s.

7Si"ned8	7Si"ned8	7Si"ned8
\$%"ge Ro0a! Do0 !-!g	\$%"ge Te,esa B,a3o	\$%"ge A.e4a!"e, 5 . 6%!'e,7 \$,.