

UNDT/2011/202, Bangoura

UNAT Held or UNDT Pronouncements

Execution of UNAdT judgments: The UNAdT had, and by virtue of the transfer of cases to it, the UNDT has, power to order execution of judgments of the former UNAdT just as it has power to deal with applications for execution under its own Statute and Rules. Time limit for applying for execution of judgment: no time limit is set out in the rules and no party should be without a remedy where execution of judgments is in issue. In this case the Applicant had done all he could to bring the matter to early resolution, it was not his fault that his earlier requests had been ignored. Damages for non-execution: this is a distinct head of damage to the moral injury caused by the original defamation. The UNDT found that all aspects of the Applicant's claim relating to defamation is *res judicata*, but the application for execution was receivable *ratione materiae* as, even though the UNAdT did not consider it had the power to deal with requests for execution of judgments, that power was inherent and by virtue of the transfer of the case to the subject matter is receivable. As the UNAdT statute was silent as to applications for execution, no time limit is prescribed. Even where the UNDT statute specifically allows for such applications, no time limit is prescribed. A party benefiting from a judgment in his favour must be entitled to apply to the court where the other party has failed to comply with the terms of the judgment. In this case, the Applicant raised such a request in a timely manner with the UNAdT but it was ignored. A person in the Applicant's position cannot be without remedy. Applying articles 19 and 36, the Tribunal considers the Application receivable *ratione temporis*.

Decision Contested or Judgment/Order Appealed

The Applicant had successfully brought a claim before the UNAdT in relation to the non-renewal of his contract, his being placed on special leave without pay, and defamatory remarks made about him by a spokesman of the Secretary-General at a press conference in 1997. In the present application, he makes an application for execution of judgment.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Application for an order for execution granted. (i) Respondent to execute Judgment No. 1029 by holding a press briefing in which his Spokesman gives the particulars of both Judgment No. 1029 and the present Judgment, within one month following the date on which the present Judgment becomes executable. (ii) Damages in the sum of \$10,000 awarded. Respondent ordered to hold a press briefing on the subject of Judgment No. 1029 of the UNAdT.

Full judgment

[Full judgment](#)

Applicants/Appellants

Bangoura

Entity

UNDCP

Case Number(s)

UNDT/NBI/2010/001/UNAT/1054

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

30 Nov 2011

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Execution of Judgment

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Applicable Law

UNDT RoP

- Article 19
- Article 36

UNDT Statute

- Article 12.5
- Article 32
- Article 8.4