

# **UNDT/2013/177, Applicant**

## UNAT Held or UNDT Pronouncements

The Tribunal found the Applicant's acceptance of the implementation of the agreement, his failure to raise the allegations of duress until well after two years after the mediation and his failure to proffer any supporting evidence, can only lead to the conclusion that the Applicant's claim of duress is devoid of any merit. Burden of proof - Where an Applicant alleges that an agreement was imposed upon him by duress, the burden lies on him or her to convince the Tribunal that such is the situation. Res Judicata - Where the subject matter of an application has been settled between parties through mediation leading to an agreement signed by both parties the said matter is res judicata and cannot be re-litigated without good cause.

## Decision Contested or Judgment/Order Appealed

The Applicant, a retired staff member of the United Nations Economic and Social Commission for Western Asia (ESCWA), filed an Application dated 7 January 2013 challenging the validity of a settlement agreement entered into between him and the Executive Secretary of ESCWA on 24 April 2010.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Applicant

## Entity

ESCWA

## Case Number(s)

UNDT/NBI/2013/2

UNDT/NBI/2013/2/R1

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

27 Dec 2013

## Duty Judge

Judge Izuako

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Burden of proof

Jurisdiction / receivability (UNDT or first instance)

Ombudsman / informal resolution

## Applicable Law

UNDT Statute

- Article 8.2

## Related Judgments and Orders

UNDT/2013/122