

UNDT/2016/176, Kisia

UNAT Held or UNDT Pronouncements

The Tribunal dismissed the application in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant, a former Security Officer with the Security and Safety Services in the Department of Safety and Security filed an application requesting the Tribunal to (a) provide an interpretation of para. 51, 53 and 55(a) and (b) of Judgment Kisia No. UNDT/2016/040 in Case No. UNDT/NY/2014/061 (Kisia), (b) issue an order for the execution of Kisia UNDT/2016/040, and (c) grant the Applicant non-pecuniary damages for the alleged delay in executing Kisia UNDT/2016/040.

Legal Principle(s)

Admissibility of a request for interpretation: The Appeals Tribunal set out the test for when a request for interpretation is admissible in Abbasi 2013-UNAT-315. Timing of execution of a judgment: In most cases, the execution of a judgment requires only one executorial act (*uno ictu*). However, the execution of Kisia UNDT/2016/040 consists of several steps to be followed due to the specificity of the procedure which involves different decisional levels. Evidence of moral damages: In Dahan UNDT/2015/053 and Mutiso UNDT/2015/059 (neither judgment was appealed), the Dispute Tribunal concluded that the evidence on moral damage can, for instance, be produced in pleadings and documents on record which demonstrate a clear showing of harm.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Kisia

Entity

DSS

Case Number(s)

UNDT/NY/2016/38

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Sep 2016

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters
Interpretation of Judgment

Applicable Law

UNDT RoP

- Article 32

UNDT Statute

- Article 11.3
- Article 12.4