

2020-UNAT-1027 , Belkhabbaz (formerly Oummih)

UNAT Held or UNDT Pronouncements

UNAT considered an application for execution of judgment No. 2018-UNAT-873 by Ms Belkhabbaz, requesting that UNAT should order specific performance remedies against the individual against whom she had pursued her complaint. UNAT held that, under Section 5. 18(c) of ST/SGB/2008/5, the Assistant Secretary-General of the Office of Human Resources Management (ASG/OHRM) had the discretion to decide whether or not to institute disciplinary measures, managerial actions, or administrative actions. UNAT held that the managerial action upon which the ASG/OHRM decided complied with UNAT's direction in the previous judgment and thus executed said judgment. UNAT held that there was no basis to grant any of the remedies requested by Ms Belkhabbaz. UNAT held that Ms Belkhabbaz was only entitled to the remedies ordered in the previous UNAT judgment. The Secretary-General fully and properly executed the previous UNAT judgment. UNAT dismissed the application for execution.

Decision Contested or Judgment/Order Appealed

In judgment No. 2018-UNAT-873, UNAT ordered the Secretary-General to act in accordance with Section 5. 18(c) of ST/SGB/2008/5 regarding applicable disciplinary procedures with regard to the individual against whom the staff member had pursued a complaint, and then to inform the staff member of the outcome of the investigation and the action taken. The staff member was subsequently informed that the individual had separated from the UN and that a note would be placed in his official status file indicating that the matter was subject to further review should he seek to re-join the Organisation. The staff member filed an application for execution of judgment, requesting that UNAT should order specific performance remedies against the individual against whom she had pursued her complaint.

Legal Principle(s)

An applicant may not seek to use an application for execution of judgment to obtain additional remedies that were not granted in the judgment.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Belkhabbaz (formerly Oummih)

Entity

OAJ

Case Number(s)

2019-1328

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Execution of Judgment

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB/2008/5

UNAT Statute

- Article 11.4
- Article 9.3

Related Judgments and Orders

2018-UNAT-873