



**UNITED NATIONS APPEALS TRIBUNAL**  
**TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2025-UNAT-1540



**Angiolo Rolli**  
**(Applicant)**  
**v.**  
**Secretary-General**  
**of the World Meteorological Organization**  
**(Respondent)**

**JUDGMENT**  
**ON APPLICATION FOR INTERPRETATION AND EXECUTION**

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Before:	Judge Graeme Colgan, Presiding Judge Nassib G. Ziadé Judge Abdelmohsen Sheha
Case No.:	2024-1932
Date of Decision:	21 March 2025
Date of Publication:	20 May 2025
Registrar:	Juliet E. Johnson

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Counsel for Applicant: Edward P. Flaherty  
Counsel for Respondent: Daniel Trup

**JUDGE GRAEME COLGAN, PRESIDING.**

1. Angiolo Rolli, a former staff member of the World Meteorological Organization (WMO), seeks orders interpreting and executing remedial orders made on his partially successful appeal to this Tribunal evidenced in Judgment No. 2023-UNAT-1346 (UNAT Judgment).
2. For the reasons set out below, the Appeals Tribunal dismisses the application.

**Facts and Procedure**

3. Having served as a staff member with WMO since 2012, Mr. Rolli's fixed-term appointment was due to expire on 31 August 2019. On 9 May 2018, Mr. Rolli was summarily dismissed.
4. The UNDT decided that the contested decision was unlawful.<sup>1</sup> It granted remedies to Mr. Rolli, including:<sup>2</sup>

b. As [in-lieu] compensation under art. 10.5(a) of the Dispute Tribunal's Statute, the Applicant shall be awarded the following:

...

ii. Pension contributions to be restored retroactively from 10 May 2018 to 31 August 2019 (...).

*The Appeals Tribunal Judgment*

5. In a Judgment delivered with full reasons on 11 May 2023, the UNAT dismissed the Secretary-General's appeal against the UNDT Judgment, granted Mr. Rolli's cross-appeal in part, and modified Judgment No. UNDT/2022/025, stating:<sup>3</sup>

The following are the remedies payable to Mr. Rolli in the form allowed by the UNDT, but as amended by this appeal:

Pursuant to Article 10(5)(b) of the UNDT Statute Mr. Rolli is awarded the following compensation for harm:

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<sup>1</sup> *Rolli v. Secretary-General of the World Meteorological Organization*, Judgment No. UNDT/2021/154 on liability.

<sup>2</sup> *Rolli v. Secretary-General of the World Meteorological Organization*, Judgment No. UNDT/2022/025 on relief.

<sup>3</sup> UNAT Judgment in *Angiolo Rolli v. Secretary-General of the World Meteorological Organization*.

- a. Full salary, including net-base salary and post adjustment, with regular deductions from 10 May 2018 to 31 December 2019;
- b. A sum representing what would have been the WMO's contributions to Mr. Rolli's Pension Fund [United Nations Joint Staff Pension Fund or UNJSPF] for the period 9 May 2018 to 31 December 2019 plus 10 per cent of that sum;
- c. Education allowances from 10 May 2018 to 31 December 2019;
- d. The following amounts representing specific monetary losses as assessed by the UNDT;
  - i. CHF1,093.47 in 2019 for "annual tax";
  - ii. CHF2,524.67 in 2018 and CHF2,885.33 in 2019 for "fuel card";
  - iii. CHF291.67 in 2018 and CHF333.33 in 2019 for "VAT Exemption";
  - iv. CHF 21,000 for legal expenses;
- e. Subject to (f) below, from the foregoing compensation amounts is to be deducted EUR92,451.50 plus EUR200 (but adjusted upwards from the foregoing figures awarded by the UNDT to reflect additional earnings if Mr. Rolli earned more in paid employment between 1 August and 31 December 2019) representing the sum of the Applicant's actual income from 10 May 2018 until 31 December 2019);
- f. If either Mr. Rolli did so to the UNDT or, if not, upon providing to the WMO documentary proof of payment to him by his new employer of the sum of EUR 27,990 is to be deducted from the sum of EUR 92,451.50 referred to in subpara. (e) of these Orders;
- g. Mr. Rolli is awarded three months of net-base salary in compensation for other (non-economic consequences) of his unlawful termination of service;
- h. The net compensation amount payable to Mr. Rolli shall bear interest at the United States of America prime rate with effect from the date of this Judgment until payment of the said compensation. An additional five per cent shall be applied to the United States prime rate 60 days from the date this Judgment becomes executable.

6. Regarding Mr. Rolli's pension entitlements, the UNAT concluded:<sup>4</sup>

(...) The Dispute Tribunal set the end point for its calculations as being 31 August 2019 which was the date of the expiry of Mr. Rolli's employment agreement (...). However, only four months later, on 31 December 2019, the role that Mr. Rolli had previously occupied at the WMO, was abolished altogether. (...)

(...) 31 August 2019 was the wrong date for the calculation of compensatory remedies and 31 December 2019 is to be substituted therefor.

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<sup>4</sup> UNAT Judgment, paras. 48-49, 52, 54-57, 67 and 71.

(...) We are unaware what Mr. Rolli may have done with this compensatory remedy although it seems clear that if he had wished to continue to have pension rights, either as a paid-out beneficiary or an on-going member of the scheme, he would have needed to advise the UNJSPF of this matter and perhaps also seek its agreement to reinstate him as a member of the Fund. We do not, however, speculate on that outcome to this compensatory remedy.

...

(...) Upon passing his five years' service mark before 31 December 2019, Mr. Rolli would also have attained the age of 55 years entitling him to take early retirement. In these circumstances he would have been able to choose between three options then open to him[:] a deferred retirement benefit[,], an Early Retirement Benefit (...) commuting up to one third of his benefit to a cash lump sum [equated to his own contributions to the Pension Fund plus compound interest earned on these] with the balance being paid as a reduced monthly pension for life[, and] a Withdrawal Settlement (...).

(...) Beyond setting out these options, we do not know which Mr. Rolli may have elected.

(...) Those choices are to be compared to his position having been dismissed on 9 May 2018 as he was only entitled to a Withdrawal Settlement (...).

(...) The complexities of that position, the choices open to Mr. Rolli and the absence of any information about both what he elected to do upon his dismissal and what he would have elected to do had he remained with the WMO until 31 December 2019, mean that the most just compensatory award that the UNDT should have made and that we now make for pension entitlement losses is as follows. Mr. Rolli is to have a sum representing what would have been the WMO's contributions to Mr. Rolli's Pension Fund for the period 9 May 2018 to 31 December 2019 plus 10 per cent of that sum.

...

[It is] based on an analysis of what remuneration or benefits Mr. Rolli would probably have received had he not been dismissed, or losses that he incurred attributable to that illegality that he would not otherwise have incurred. (...)

...

(...) Because of the very economical expression of the UNDT's award for pension loss, we have had to attempt to ascertain and clarify what it should have provided in this respect. We have done so by reference to the UNJSPF [Regulations, Rules and Pension Adjustment System of the United Nations Joint Staff Pension Fund (Regulations and Rules)]. In his circumstances, Mr. Rolli is entitled to an additional payment depending on his years of service which are to be calculated to 31 December 2019. Having been dismissed when he was, we calculate that he is entitled to his own contributions plus 10 per cent per additional year of service after five years of service. His compensable loss is to be calculated by reference to the payments that he and the WMO would have contributed to the Fund had he remained in employment for that now extended period to 31 December 2019.

*Subsequent facts and procedure*

7. On 2 June 2023, Mr. Rolli requested from the Chief of Human Resources (C/HR), WMO and from the Pension Fund, information about the possibilities for restoring his pension rights based on the UNAT Judgment.<sup>5</sup> He asked the Pension Fund to specify the amount that he would need to pay “to re-establish [his] right to a pension” at age 62, and the amount of the resulting monthly pension payment.

8. In response, on 26 June 2023, the Pension Fund advised Mr. Rolli that it was unable to accept a restoration of his prior contributory service and could not revise the date of his separation at his request: a request for such revision should come to the Pension Fund through his former employing organization.<sup>6</sup> In addition, the e-mail stated that the UNAT Judgment had obliged WMO to pay compensation; the Pension Fund had not been involved in the negotiations, if any, and could not be bound by Mr. Rolli’s decision to pay voluntary contributions. Finally, the Pension Fund pointed out that if his separation from service on 9 May 2018 had been the result of administrative errors that WMO accepted, any reinstatement should require payment by WMO of an actuarial cost.

9. In his 26 June 2023 reply, the WMO’s C/HR informed Mr. Rolli that in WMO’s interpretation of the UNAT Judgment, no further compensation regarding the pension issue was foreseen.<sup>7</sup> On the same day, Mr. Rolli sent an e-mail to the C/HR, reiterating his 2 June 2023 request.<sup>8</sup>

10. On 27 June 2023, the C/HR reiterated that in WMO’s interpretation, the UNAT Judgment did not order Mr. Rolli’s reinstatement or that of his pension and, therefore he could not rejoin the Pension Fund.<sup>9</sup>

11. On 7 June 2024, Mr. Rolli filed the present application for interpretation and execution of the UNAT Judgment.

12. Although this summary would not usually include the following fine detail, because it underpins the Secretary-General’s request for the imposition of a penalty or sanction against

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<sup>5</sup> Mr. Rolli’s 2 June 2023 e-mails.

<sup>6</sup> The Pension Fund’s 26 June 2023 e-mail.

<sup>7</sup> The C/HR’s 26 June 2023 e-mail.

<sup>8</sup> Mr. Rolli’s 26 June 2023 e-mail.

<sup>9</sup> The C/HR’s 27 June 2023 e-mail.

Mr. Rolli, we add the following. On or about 12 June 2024, Mr. Rolli sent to the Secretary-General of WMO an e-mail, copying the Executive Council of WMO, in which he stated that “the unnecessary obstructive behavio[u]r” had not changed under her new leadership but that he nevertheless remained available to settle the matter in an amicable manner.<sup>10</sup>

### **Submissions**

#### **Mr. Rolli’s Application for Interpretation and Execution**

13. Mr. Rolli requests the Appeals Tribunal to adopt an interpretation of the UNAT Judgment which requires that WMO and the Pension Fund be ordered to take the necessary measures to restore his pension rights, or alternatively, to award him the sum withheld by the Pension Fund in the amount of USD 194,751.28 plus interest at the US prime rate from the date of the UNAT Judgment.

14. Mr. Rolli submits that because he was unlawfully dismissed five months prior to achieving five years of continuous service, he lost CHF 178,991.00, i.e. two thirds of his pension. By ordering the remedies “in the form allowed by the UNDT”, the UNAT meant to place him in the situation he would have been in had he remained a staff member. In conjunction with the UNDT Judgment, this implies the restoration of his pension rights. While in April 2021 the Pension Fund returned to him USD 97,375.64 corresponding to his own contributions, it withheld the remaining two thirds of the sum of contributions to the Fund. Articles 24 and 24 *bis* of the Regulations and Rules provide for an opportunity to restore pension rights. Restoration of his pension rights will have no or have minor financial implications for WMO. It is Mr. Rolli who must make the additional contribution to the Pension Fund, which he is ready, willing and able to do.

#### **The Secretary-General’s Comments**

15. The Secretary-General requests the Appeals Tribunal to reject Mr. Rolli’s submissions and maintain the UNAT Judgment without further interpretation or execution, and award costs against him for abuse of process.

16. The Secretary-General argues that Mr. Rolli’s application is not receivable because of his delay in filing it. Mr. Rolli received a copy of the UNAT Judgment on 12 May 2023 and the compensation—including CHF 75,369.79 for the pension element of the compensation

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<sup>10</sup> Mr. Rolli’s 12 June 2024 e-mail; comments on the application, para. 5.

representing what would have been WMO's contributions to the Pension Fund for the period 9 May 2018 to 31 December 2019 plus 10 per cent of that sum—on 12 June 2023.<sup>11</sup> He was notified of his ineligibility to re-enter the Pension Fund by 26 June 2023. His delay is unreasonable. It was not until 7 June 2024 that Mr. Rolli filed this application for interpretation and execution.

17. The Secretary-General submits that the UNAT Judgment was clear in scope as to the remedy. Mr. Rolli has identified no ambiguity to justify interpretation. His request for an additional USD 194,751.28 is beyond the scope of interpretation or execution. It is an attempt to relitigate proceedings, which is prohibited.

18. The Secretary-General contends that Mr. Rolli's delay and his public statements to the WMO Executive Council have violated the Code of Conduct for Legal Representatives and Litigants in Person (Code of Conduct). His unsolicited e-mail to the Secretary-General, copied to the representatives of the member states of the WMO Executive Council, violated the Code of Conduct by compromising the confidentiality and decorum of the proceedings. It coincided with the WMO Executive Council meeting where such representatives and the newly elected Secretary-General were present for the first time. The timing of Mr. Rolli's actions suggests a strategy to embarrass the Secretary-General and damage the Organization's reputation before its member states.

### Considerations

19. We start our considerations by noting that there is no statutory time limit for making applications for interpretation and execution. However, unreasonable and unexplained delay in doing so may cause the Tribunal's discretion to be exercised against an applicant, such as Mr. Rolli, as a matter of fairness and justice to the Secretary-General.<sup>12</sup>

20. Following *Awe*<sup>13</sup> and combined with Mr. Rolli's failure to identify any lack of clarity about the orders sought to be interpreted, we consider that the unexplained delay of almost a year after the situation of his pension became clear to him, would alone cause us to reject his application.

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<sup>11</sup> The Secretary-General submits: "On 12 June 2023, the Respondent paid CHF456,956.03 to the Applicant, covering the totality of the Judgment".

<sup>12</sup> See *Awe v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-827, para 26.

<sup>13</sup> *Awe* Judgment, *op. cit.*

21. In addition to the equitable consideration of the unreasonable and unexplained delay, our dismissal of Mr. Rolli's application relies on the absence of a jurisdictional basis. We emphasize the distinct and mutually exclusive functions of an application for interpretation of a judgment (as this is), and revision of a judgment (which this is not). An interpretation application must, under Article 11(3) of the UNAT Statute, establish that the meaning or scope of the judgment as worded is equivocal or otherwise so unclear that the parties cannot reasonably agree on what it requires either or both to do to satisfy or implement the judgment.

22. An application for interpretation cannot be an opportunity to re-litigate the issues or, in this case, the remedies allowed by the judgment. Nor can an application for interpretation be a disguised application for revision of a judgment, changing its outcome substantively. An application for revision is the only mechanism by which the outcome of a UNAT judgment can be modified. Even then, a final judgment can only be altered (revised) under very tightly defined conditions. Authorities for these well-established propositions include *Raschdorf* and *Fogarty*.<sup>14</sup>

23. As we noted in the extensive quotations from our initial Judgment, Mr. Rolli then failed to particularize the remedies he sought relating to his pension entitlements and we made and recorded what we considered to be the best of an inadequately presented case on these elements or remedies. Mr. Rolli's application now seeks in effect to patch up those original evidential deficiencies, including by reference to information or evidence that has subsequently come to his knowledge, but which was also in significant part available to him before our previous Judgment but which we can only assume he neglected, or elected not, to present.

24. No equivocality or lack of clarity of the UNAT Judgment has been demonstrated by Mr. Rolli as is necessary if an application for interpretation is to succeed. His application must therefore fail.

25. Mr. Rolli's second application seeks an order for execution of the UNAT Judgment but necessarily as he wishes it amended and clarified by a successful application for interpretation. This application for execution relies on Mr. Rolli's success in having the earlier UNAT Judgment interpreted in the way he wishes it to be. However, he has not been successful in his interpretation application. The UNAT Judgment of 11 May 2023 has been executed according to its tenor. It

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<sup>14</sup> *Ann-Christin Raschdorf v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1438, paras. 57 and 59; *Margaret Mary Fogarty, Robert Sheffer, Monia Spinardi, Astrid Dispert & Minglee Hoe v. Secretary-General of the International Maritime Organization*, Judgment No. 2021-UNAT-1148, paras. 50 and 51.



follows, therefore, that his application for execution is moot. The Secretary-General has complied with the terms of the UNAT Judgment.

*Abuse of process by Mr. Rolli*

26. The Secretary-General seeks to have Mr. Rolli sanctioned for abuse of process. This is based on delay by Mr. Rolli and “public statements” to the WMO Executive Council which are said to be in breach of the Code of Conduct. The Secretary-General relies on an e-mail sent by Mr. Rolli, the impugned content of which we have set out above, allegedly “compromising the confidentiality and decorum” of the proceedings. The Secretary-General further submits that the delay in addressing his concerns about the UNAT Judgment “suggests a strategy to embarrass the Secretary-General and damage the Organization’s reputation before its member states”.

27. The Secretary-General faces an initial jurisdictional difficulty with this submission. As its name informs, the Code of Conduct governs the conduct of representatives and litigants in person (that is, unrepresented staff or former staff) in proceedings. Mr. Rolli is neither a representative nor a litigant in person. He is represented by counsel (and therefore is not a litigant in person), and there is no suggestion that his counsel breached the Code of Conduct. Mr. Rolli is “a party” to the proceedings and although that term appears in the definitions’ section of the Code of Conduct, no behavioural responsibilities are placed on parties unless they are unrepresented, that is, litigants in person. So, on a strict interpretation, Mr. Rolli does not fall within the class of persons subject to its provisions, breaches of which may render an offender liable to an award of costs.<sup>15</sup>

28. Even if Mr. Rolli were covered by the provisions of the Code of Conduct, we doubt whether his conduct goes to the extent intended to be prohibited or sanctioned. Mr. Rolli’s e-mail of June 2024 refers to not having received a response to a communication to WMO before he instituted the current proceedings. It criticizes, albeit in moderate terms, the Organization’s and its former Secretary-General’s “obstructive behaviour” in relation to the earlier proceedings and their outcome but nevertheless expresses a continued willingness to attempt to settle the dispute amicably and soon. Although the e-mail was copied to the WMO Executive Council members, they are the personification of the Organization, with whom the Secretary-General would, presumably,

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<sup>15</sup> See *Leopold Camille Yodjeu Ntemde v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1379, para. 84.

in any event have communicated appropriately about these proceedings. Mr. Rolli's e-mail was not sent "publicly" in the sense of having been distributed beyond the Organization itself.

29. While not decorous, there is no evidence of the Secretary-General's position having been compromised by this communication or having incurred unnecessary costs.

30. As to the other ground in support of the claim for costs (delay), we consider that this has already contributed to Mr. Rolli being declined the orders he seeks and is not misconduct in relation to litigation intended to be caught by the Code of Conduct.

31. In these circumstances, we decline to award costs against Mr. Rolli.

32. The application for interpretation and execution must accordingly be dismissed.

**Judgment**

33. Mr. Rolli's application for interpretation and execution of Judgment No. 2023-UNAT-1346 is dismissed.

Original and Authoritative Version: English

Decision dated this 21<sup>st</sup> day of March 2025 in Nairobi, Kenya.

*(Signed)*

Judge Colgan, Presiding

*(Signed)*

Judge Ziadé

*(Signed)*

Judge Sheha

Judgment published and entered into the Register on this 20<sup>th</sup> day of May 2025 in New York, United States.

*(Signed)*

Juliet E. Johnson,  
Registrar