



JUDGE MARTHA HALFELD , PRESIDING .

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an application for correction of Judgment No. 2017-UNAT-774 rendered by the Appeals Tribunal on 14 July 2017. Mr. Ekundayo Awe filed his application on 23 November 2017 and the Secretary-General submitted his comments on 8 January 2018.

Facts and Procedure

2. On 18 November 2016, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued Judgment No. UNDT/2016/206 in the case of *Awe v. Secretary-General of the United Nations*. The Secretary-General appealed the UNDT Judgment on 17 January 2017 on the grounds that the UNDT erred in law by requiring the Special Representative of the Secretary-General to refer for disciplinary action the case of the Chief of Staff (COS) of the United Nations Assistance Mission for Iraq (UNAMI) to the Assistant Secretary-General, Office of Human Resources Management, and by awarding Mr. Awe USD 3,000 as compensation for the lack of such a referral. The Secretary-General submitted that

Submissions

Mr. Awe's Application

6. Mr. Awe seeks a correction of paragraph 2 of the Appeals Tribunal Judgment, which he contends incorrectly reflects that at the SMT meeting at issue in the Appeals Tribunal Judgment, the COS indicated that he intended to convince the Special Representative of the Secretary-General to withdraw Mr. Awe from UNAMI while the meeting minutes reflect that it was the Chief of Mission Support (CMS) who made that comment. The Report of the FFP also confirms that the CMS and not the COS was complicit in trying to have Mr. Awe removed from UNAMI.

7. Mr. Awe seeks a further correction of paragraph 2 (at page 4), which he contends incorrectly reflects that he was reassigned to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), while in reality, he was assigned to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

The Secretary-General's Comments

8. The Secretary-General contends that the sentence that Mr. Awe refers to in paragraph 2 of the Judgment is a quote from the factual findings recorded in the underlying UNDT judgment. Thus, Mr. Awe could have and should have addressed any inaccuracies in his appeal to the Appeals Tribunal. Moreover, Mr. Awe's place of reassignment has no bearing on the substance of any of the issues he raised before the Appeals Tribunal or the UNDT.

9. There is no basis for the Appeals Tribunal to find that the two sentences referred to by Mr. Awe constitute clerical or accidental errors that would require the Appeals Tribunal to issue a corrected judgment. The Secretary-General requests that the Appeals Tribunal reject the application in its entirety.

Considerations

10. Applications for correction of judgment of the Appeals Tribunal are governed by Article 11(2) of the Appeals Tribunal Statute (Statute) and Article 26 of the Rules of Procedure of the Appeals Tribunal (Rules).

16. As we stated in *Fedorchenko*,³

... An application seeking review of a final judgment rendered by the Appeals Tribunal “can only succeed if it fulfils the strict and exceptional criteria established under Article 11 of its Statute”. Mr. Fedorchenko’s applications do not come within the criteria set forth in these statutory provisions.

17. In view of the foregoing, we agree with the Secretary-General that there is no basis for the Appeals Tribunal to find that the two sentences referred to by Mr. Awe constitute clerical or accidental errors that would require the Appeals Tribunal to issue a correction of judgment.

18. Mr. Awe is in error in applying to the Appeals Tribunal for correction of its Judgment.

19. The application fails.

³ *Fedorchenko v. Secretary General of the International Civil Aviation Organization*, Judgment No. 2015-UNAT-567, para. 13 (internal footnote omitted), citing *Chaaban v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2015-UNAT-497, para. 19, in turn citing *Al-Mulla v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-394, para. 14.

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