



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

Judgment No. 2024-UNAT-1483

**Jane Patience Ocoru
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before: Judge Gao Xiaoli, Presiding
Judge Katharine Mary Savage
Judge Kanwaldeep Sandhu

Case No.: 2023-1884

Date of Decision: 25 October 2024

Date of Publication: 19 November 2024

Registrar: Juliet E. Johnson

Counsel for Appellant: Self-represented

Counsel for Respondent: Angélique Trouche

JUDGE GAO XIAOLI, PRESIDING.

1. Ms. Jane Patience Ocororu (Ms. Ocororu) contested before the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) the decision of the Secretary-General to close investigations into her rape complaint; the non-implementation of Judgment No. UNDT/2015/004; and the decisions to “underpay compensation” ordered by the UNDT, to refuse to pay her medical bills, to withhold her salary and to refuse to properly and conclusively separate her.
2. By Judgment No. UNDT/2023/109 (impugned Judgment), the UNDT found that the application was barred by *res judicata* and dismissed it as not receivable *ratione materiae*.
3. Ms. Ocororu lodged an appeal of the impugned Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

5. Ms. Ocororu is a former staff member who served at the United Nations Mission in South Sudan (UNMISS) as a National Professional Officer with the Civil Affairs Division (CAD) from July 2009 to July 2012.¹
6. On 15 January 2015, the UNDT issued Judgment No. UNDT/2015/004 in the case of *Ocororu v. Secretary-General of the United Nations* (UNDT Judgment *Ocororu 1*). The UNDT established that the Administration was biased against Ms. Ocororu; that officers at the mission had defied the procedures provided for dealing with reports of misconduct; and that Ms. Ocororu had been denied “meaningful closure having made a serious claim of being the victim of sexual assault”.² The UNDT further found that the issuance of a vacancy announcement for Ms. Ocororu’s post was more than a “simple clerical error” as presented by the Secretary-General and evidenced a desire on the part of CAD and UNMISS managers for Ms. Ocororu to leave the Organization.³ By the same token, the UNDT found that the “highly irregular alternative comparative review process” followed in abolishing Ms. Ocororu’s post

¹ Impugned Judgment, para. 3.

² UNDT Judgment *Ocororu 1*, para. 129 (a)-(c).

³ *Ibid.*, para. 129 (d).

was not simply a “procedural error”. The UNDT found that, coupled with CAD Management’s apparent unwillingness to grant her a lateral transfer, it showed a “strong resolve and desire to separate [Ms. Ocokoru] from the Organization”.⁴

7. The UNDT ordered the rescission of Ms. Ocokoru’s separation from service and her reinstatement or in-lieu compensation in the amount of two years’ net base salary.⁵ Furthermore, the UNDT awarded six months’ net base salary for compensation for the substantive and procedural irregularities.⁶

8. By Judgment No. 2015-UNAT-604 dated 30 October 2015, the Appeals Tribunal dismissed the Secretary-General’s appeal against UNDT Judgment *Ocokoru 1*.

9. By Judgment No. 2018-UNAT-826 dated 22 March 2018, the Appeals Tribunal dismissed Ms. Ocokoru’s application for execution of Judgment No. 2015-UNAT-604.

10. On 28 November 2019, Ms. Ocokoru applied for execution of UNDT Judgment *Ocokoru 1* before the UNDT.⁷ By Judgment No. UNDT/2020/045 dated 27 March 2020 (UNDT Judgment *Ocokoru 2*), the UNDT found that Ms. Ocokoru had received compensation in the amounts of USD 94,324.16 and USD 5,972.12 respectively, pursuant to UNDT Judgment *Ocokoru 1*. The UNDT made a declaratory statement in relation to payment of interest, but dismissed Ms. Ocokoru’s other claims.⁸ This UNDT Judgment was not appealed.

11. On 1 September 2023, Ms. Ocokoru filed an application before the UNDT contesting the Secretary-General’s decision to close investigations into her rape complaint, the non-implementation of UNDT Judgment *Ocokoru 1*, and the decisions to “underpay” compensation ordered by the UNDT, to refuse to pay her medical bills, to withhold her salary and to refuse to “properly and conclusively” separate her.⁹ She also filed a motion for interim measures.

12. On 18 September 2023, the UNDT issued Order No. 139 (NBI/2023), dismissing Ms. Ocokoru’s motion for interim measures. The UNDT found that Ms. Ocokoru was aware of the non-investigation of her complaint at the time UNDT Judgment *Ocokoru 1* was issued, as shown

⁴ *Ibid.*, para. 129 (e).

⁵ *Ibid.*, paras. 129, 131 and 132.

⁶ *Ibid.*, para. 133.

⁷ *Ocokoru v. Secretary-General of the United Nations*, Judgment No. UNDT/2020/045 (UNDT Judgment *Ocokoru 2*), para. 2.

⁸ *Ibid.*, paras. 18-20.

⁹ Impugned Judgment, para. 1.

by her testimony before the UNDT on 29 July 2014. The UNDT found that her request for management evaluation ten years later was untimely and that the UNDT had no authority to waive the deadline. The matter was therefore not receivable before the UNDT.¹⁰ Further, the UNDT found that Ms. Ocokoru's challenges of the implementation of UNDT Judgment *Ocokoru 1*, her request for payment of salaries, medical bills and other expenses; as well as her challenges relating to her claim that she had not been properly separated from service, were barred by the doctrine of *res judicata*.¹¹ Concluding on the legal standard for interim measures, the UNDT found that the first prong of *prima facie* illegality was not met, given that the application against the contested decisions was not receivable.¹²

13. On 2 October 2023, the UNDT issued the impugned Judgment dismissing Ms. Ocokoru's application as barred by *res judicata*, and hence not receivable *ratione materiae*.¹³ The UNDT found that the challenge relating to the investigation of Ms. Ocokoru's claim of sexual assault had been fully litigated in UNDT Judgment *Ocokoru 1*; and that the payment of the award ordered in UNDT Judgment *Ocokoru 1*, and the related interest, had been the subject of UNDT Judgment *Ocokoru 2*.¹⁴ The UNDT recalled its findings in UNDT Judgment *Ocokoru 2* that Ms. Ocokoru's claim for reimbursement of medical bills had not been granted in UNDT Judgment *Ocokoru 1*.¹⁵ The UNDT also found that the issue of whether Ms. Ocokoru was properly and conclusively separated from service was resolved in 2016 following UNDT Judgment *Ocokoru 1*, by the payment to Ms. Ocokoru of two years' net base salary in lieu of reinstatement, and that when Ms. Ocokoru again tried to raise the claim, the UNDT found in UNDT Judgment *Ocokoru 2* that the Secretary-General had opted to compensate her in lieu of reinstatement and that decision was dispositive of the matter.¹⁶

14. On 12 December 2023, Ms. Ocokoru contacted the UNAT Registry and filed an incomplete appeal. Further to receiving instructions to re-file by the UNAT Registry, Ms. Ocokoru re-filed her perfected appeal of the impugned Judgment on 8 January 2024.

15. On 11 March 2024, the Secretary-General filed his answer.

¹⁰ Order No. 139 (NBI/2023), paras. 6-8.

¹¹ *Ibid.*, para. 13.

¹² *Ibid.*, paras. 14 and 15.

¹³ Impugned Judgment, para. 15.

¹⁴ *Ibid.*, paras. 10 and 11.

¹⁵ *Ibid.*, para. 12.

¹⁶ *Ibid.*, para. 13.

16. On 11 March 2024, the Secretary-General filed two motions, the first seeking leave to file additional evidence and the second moving for summary judgment. On 21 March 2024, Ms. Ocokoru filed her response to the Secretary-General's motion for summary judgment.

17. On 8 April 2024, the UNAT issued Order No. 555 (2024), dismissing the motion for leave to submit additional evidence as moot and denying the motion for summary judgment.

18. On 11 October 2024, on the eve of the Appeals Tribunal's 2024 Fall Session, Ms. Ocokoru sent an e-mail to the UNAT Registry in which she requested that the Secretary-General's answer be struck because it was filed out of time and in which she alleged that the Registry had colluded with the Secretary-General to backdate the answer.

Submissions

Ms. Ocokoru's Appeal

19. Ms. Ocokoru alleges that the UNDT erred in law and in fact when it held that the investigations into the allegation of sexual assault had been conducted and concluded at the time UNDT Judgment *Ocokoru 1* was issued. Ms. Ocokoru submits that in the impugned Judgment, the UNDT found that there had been no investigations into Ms. Ocokoru's sexual assault allegations and that as a result, she had been denied meaningful closure. She considers that the UNDT should have either ordered an investigation or "called for evidence to prove the allegations and render justice", instead of hiding "under the doctrine of *res judicata* which is not applicable in the complaint."

20. Ms. Ocokoru contends that the UNDT erred in fact and in law in finding that her complaint of sexual assault was barred by *res judicata* when it was not the subject of management evaluation in 2012. Ms. Ocokoru alleges that she only learned of the closure of investigations into her sexual assault complaint from a management evaluation report dated 29 June 2023. She received the report on 1 July 2023 and filed her application before the UNDT timely, on 30 August 2023.

21. Ms. Ocokoru argues that the UNDT erred in law and in fact in finding that her complaint of sexual assault was barred by *res judicata* when there was no finding in UNDT Judgment *Ocokoru 1* on whether her sexual assault allegations were proven. UNDT Judgment *Ocokoru 1* was about her unlawful separation from service, while the current case is about the alleged sexual

assault. Moreover, the UNDT erred in finding her sexual assault complaint *res judicata* when she did not receive relief for the alleged sexual assault.

22. Finally, Ms. Ocoru submits that the UNDT erred in law and in fact in finding that she had been separated from service. She argues that she was not separated, given that she *inter alia* had not done a handover report, handed in her identity card, checked out pursuant to the Organization's guidelines and has not been paid her pension benefits.

23. Ms. Ocoru makes several additional requests, in particular that she be communicated her own past submissions as well as the recordings of the UNDT hearing in UNDT Judgment *Ocoru 1*; that she be granted an oral hearing so that she can "appear and provide clarifications on a number of issues raised in the [a]ppeal"; and that she be granted interim measures that the UNDT denied to grant. In support of her appeal, she proffers several additional documents. Finally, she submits that if she finds that the forthcoming UNAT Judgment "biased", she intends to seek relief through other means outside the United Nations internal justice system.

24. Ms. Ocoru requests that the Appeals Tribunal reverse the impugned Judgment and remand the case to the UNDT for a determination on the merits. In the alternative, Ms. Ocoru requests that the Appeals Tribunal hears and determines the complaints of sexual assault and non-separation and order compensation and other relief that it deems appropriate. Finally, she asks that the Appeals Tribunal order the Secretary-General to "undertake expeditious and conclusive investigations into the allegations of sexual assault" and apologize.

The Secretary-General's Answer

25. The Secretary-General contends that the appeal is time-barred and should, therefore, be rejected as non-receivable *ratione temporis*. The impugned Judgment was sent to Ms. Ocoru on 2 October 2023. Pursuant to Article 7(1) of the UNAT Statute, the deadline for appealing the Judgment was 60 calendar days later, i.e. 1 December 2023. However, Ms. Ocoru first contacted the UNAT Registry in relation to an appeal eleven days after the appeal deadline, on 12 December 2023. As Ms. Ocoru has not filed a request for suspension or waiver of the time limit for filing the appeal, the exception in Article 7(3) of the UNAT Statute is not applicable. Consequently, the appeal should be rejected in its entirety as non-receivable *ratione temporis*. This, the Secretary-General submits, could be done by summary judgment under Article 19(2) of

the UNAT Rules of Procedure, in which case the UNAT need not address the remainder of the Secretary-General's answer.

26. The Secretary-General contends that Ms. Ocokoru has failed to show that the UNDT erred in finding that the application was barred by *res judicata*. He submits that Ms. Ocokoru is trying to re-litigate a case that has already given rise to two UNDT and two UNAT Judgments. It has now been more than a decade since Ms. Ocokoru was a United Nations staff member and several years after the last final judgment in this matter, *Ocokoru 2*. In particular, she does not show that the UNDT misapplied the doctrine of *res judicata*.

27. The Secretary-General submits that Ms. Ocokoru has not shown that an oral hearing “would assist the expeditious and fair disposal of the case,” pursuant to Article 18(1) of the UNAT Rules of Procedure. To the contrary, given that the appeal is not receivable *ratione temporis*, and that she fails to show any UNDT error, this case is a straightforward matter of law, which should be decided without a hearing before the UNAT.

28. The Secretary-General asks that the claim for interim relief be rejected. The UNDT rejected Ms. Ocokoru's request for interim relief in Order No. 139 (NBI/2023), finding that her claims were not receivable. She does not show any error on the side of the UNDT pursuant to Article 10(2) of the UNDT Statute, nor that her request for interim relief meets the condition under Article 9(4) of the UNAT Statute.

29. Moreover, the Secretary-General avers that there is no basis for Ms. Ocokoru's request that she be communicated her own past UNDT submissions, and the recordings of the UNDT hearing in UNDT Judgment *Ocokoru 1*. This is a new claim, which was not made before the UNDT and is therefore not receivable before the UNAT.

30. Finally, the Secretary-General submits that several annexes that Ms. Ocokoru has attached to her appeal were not before the UNDT, and in the absence of a motion requesting leave to adduce, these documents are not admissible pursuant to the UNAT's well-settled case law. These annexes should not be admitted and should be stricken from the record of the case.

31. The Secretary-General requests that the UNAT affirm the impugned Judgment, consider that the appeal is not receivable *ratione temporis*, or alternatively find that the appeal has no merit.

Considerations

Request for oral hearing

32. As a preliminary matter, we address Ms. Ocoru's request for an oral hearing. Ms. Ocoru requests an oral hearing, noting in her appeal form that "[t]here is need for the Appellant who represents herself in this matter to appear and provide clarifications on a number of issues raised in the [a]ppeal".

33. The UNAT's disposal of requests for oral hearings is guided by its Statute and Rules of Procedure. Article 8(2) of the UNAT Statute provides that "[t]he Appeals Tribunal shall decide whether the personal appearance of the appellant or any other person is required at oral proceedings and the appropriate means to achieve that purpose. Article 8(3) of the UNAT Statute stipulates that "[t]he judges assigned to a case will determine whether to hold oral proceedings."

34. Article 18(1) of the UNAT Rules of Procedure further specifies: "The judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case."

35. There is a vast jurisprudence with respect to the disposal of requests for oral hearings. In *Bwalya*, we said:¹⁷

... [T]he oral hearing before the UNAT does not aim to provide any further oral evidence or otherwise, but to discuss elements of fact and of law which are already on the record. In this sense, Mr. Bwalya's argument that a hearing should be required because "the Judge misunderstood the case and as a result, her reasoning conflates the facts" is not persuasive so as to justify an oral hearing about the issues raised in the appeal. The factual and legal issues arising from the appeal have already been clearly defined by the parties and there is no need for further clarification. All elements for discussion are already on the record. Moreover, we do not find that an oral hearing would "assist in the expeditious and fair disposal of the case", as required by Article 18(1) of the Rules.

36. In view of the foregoing legal framework, the UNAT has discretion to determine whether to hold an oral hearing or not, with the aim to deal with the case efficiently and fairly. In the present case, the factual and legal issues arising from the appeal are clear and well-documented. We can

¹⁷ *Samuel Bwalya v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1376, para. 58 (internal footnote omitted).

fully address all the arguments by reference to the record, especially considering that some issues have been litigated repeatedly in the past, albeit being couched in different terms. We do not see that an oral hearing would assist in the expeditious and fair disposal of the case. Ms. Ocokoru's request for an oral hearing is therefore denied.

Request for striking out the Secretary-General's answer

37. With regard to Ms. Ocokoru's request to strike out the Secretary-General's answer, we find that Ms. Ocokoru should have submitted a formal motion to this Tribunal, instead of an untimely e-mail submission. In spite of this, and in any event, we find no merit in her request. The Secretary-General filed the answer in a timely manner on 11 March 2024, which was within 60 days of transmission of Ms. Ocokoru's appeal. Ms. Ocokoru was notified of the answer on 12 March 2024. Accordingly, Ms. Ocokoru's allegations with regard to the filing of the Secretary-General's answer are without merit. In this regard, we decided that there was no need to seek the Secretary-General's views on this point.

Whether Ms. Ocokoru's appeal is receivable ratione temporis

38. The Secretary-General contends that the appeal is time-barred and should, therefore, be dismissed as non-receivable *ratione temporis*.

39. Article 7(1)(c) and (3) of the UNAT Statute provides as follows:

1. An appeal shall be receivable if:

...

(c) The appeal is filed within 60 calendar days of the receipt of the judgement of the Dispute Tribunal or within 30 calendar days of the receipt of the interlocutory order of the Dispute Tribunal or, where the Appeals Tribunal has decided to waive or suspend that deadline in accordance with paragraph 3 of the present article, within the period specified by the Appeals Tribunal.

...

3. The Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases. The Appeals Tribunal shall not suspend or waive the deadlines for management evaluation.

40. Article 7 of the UNAT Rules of Procedure provides in relevant part:

Time limits for filing appeals

1. Appeals instituting proceedings shall be submitted to the Appeals Tribunal through the Registrar within:

(a) 60 calendar days of the receipt by a party appealing a judgement of the Dispute Tribunal;

...

2. In exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1. The written request shall succinctly set out the exceptional reasons that, in the view of the appellant, justify the request. The written request shall not exceed two pages.

41. In the present case, the evidence on record shows that the impugned Judgment was issued on 2 October 2023, and that same day, the impugned Judgment was sent to both Ms. Ocoru and the Secretary-General by e-mail. Pursuant to Article 7(1)(c) of the UNAT Statute, the time limit for filing the appeal was 1 December 2023, 60 calendar days from receipt of the impugned Judgment.

42. However, Ms. Ocoru first tried to submit her appeal form on 12 December 2023 and re-filed on 8 January 2024. She argues in her response to the motion for summary judgment on the appeal, that both her e-mail and e-filer account malfunctioned a few days after filing her applications. She then created a new e-mail account and wrote to the UNDT Registry in Nairobi on 10 October 2023, requesting to send relevant information. It was on 12 October 2023 that the Registry sent the impugned Judgment to her, and she acknowledged receipt on 16 October 2023. She also asked for the Respondent's reply, which the Registry sent to her on 16 October 2023. Under these circumstances, Ms. Ocoru argues that the filing deadline should begin from the date she acknowledged receipt of the impugned Judgment on 16 October 2023, and the deadline is therefore 15 December 2023.

43. Section C (Transmittal of documents by the Registry) of UNAT Practice Direction on Filing of Documents and Case Management is clear on this. Paragraph 13 provides that “[a] party will be treated as having received a document transmitted by the Registry on the date the document is sent to the party through the eFiling portal or by e-mail. A document sent after the close of the Registry’s office hours will be treated as being received on the next working day of the Registry.”

44. The “receipt” in Article 7(1)(c) of the UNAT Statute which triggers the time limit for filing an appeal cannot be construed as the moment when the Appellant took notice of the response. Rather, the impugned Judgment sent by the UNDT Registry to both the Appellant’s and Respondent’s e-mail addresses on 2 October 2023 constitutes receipt of the impugned Judgment and triggers the time limit, as shown in record. If the receipt depends on the acknowledgement of the Appellant, the timely hearing of cases and rendering of judgment will not be assured.

45. We have been strictly enforcing the time limits for filing applications and appeals. In *Dorji*, we said:¹⁸

... The Appeals Tribunal has repeatedly and consistently strictly enforced the time limits for filing applications and appeals. Strict adherence to filing deadlines assures one of the goals of our new system of administration of justice: the timely hearing of cases and rendering of judgments. The UNAT has also consistently held that staff members are presumed to know the Regulations and Rules applicable to them. It is the staff member’s responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations. Ignorance cannot be invoked as an excuse.

46. Ms. Ocororu’s delay in filing the appeal cannot be excused from the malfunction of her e-mail and e-filer account.

47. Further, Ms. Ocororu did not submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in Article 7(1) of the UNAT Statute. Even though we considered her response to the Secretary-General’s motion for summary judgment as the written request, Ms. Ocororu did not provide any evidence to prove the malfunction of her e-mail and e-filer account at that time. According to Ms. Ocororu’s argument, her accounts malfunctioned around September, and she could have informed the UNDT Registry at that time. We see no ground to waive the time limit for the filing of the appeal.

48. Therefore, we agree with the Secretary-General’s argument that Ms. Ocororu failed to file her appeal within the time limit and the appeal is not receivable *ratione temporis*.

¹⁸ *Langa Dorji v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1278, para. 29 (internal footnotes omitted).

Did the UNDT err in finding that Ms. Ocokoru's application was barred by res judicata and in dismissing it as not receivable ratione materiae?

49. Even if Ms. Ocokoru's appeal was not time-barred, which it is, it would be barred on the basis that the matter is *res judicata* for the reasons that follow.

50. The doctrine of *res judicata* has been established by our consistent jurisprudence: an application is not receivable *ratione materiae* when the matter has been resolved by a prior final judgment.¹⁹ *Res judicata* signifies that the same cause of action cannot be adjudicated twice. In *Chernov*, we reiterated: “[A] staff member cannot bring the same case twice before the UNDT. As the matter had already been decided in the impugned Judgment No. 1, Mr. Chernov's second application is not receivable under the doctrine of *res judicata* and has to be dismissed.”²⁰

51. Ms. Ocokoru alleges that the UNDT erred in law and in fact when it held that the investigations into the allegation of sexual assault had been conducted and concluded at the time UNDT Judgment *Ocokoru 1* was issued. However, when we read the UNDT Judgment *Ocokoru 1*, it is clear that the issue regarding investigations into the allegation of sexual assault was fully litigated. In that Judgment, the UNDT found that the “[e]vidence is clear that in spite of the involvement of the Mission's CDU and SIU and of OIOS all of whom had inquired into the said complaint of sexual assault, any report produced after investigations into the complaint never saw the light of day”²¹ and “the said bias was so strong that the responsible CDU, SIU and OIOS officers at the mission all defied the procedures provided for by ST/AI/371 for dealing with reports of misconduct”²². Therefore, the UNDT ordered the rescission of Ms. Ocokoru's separation from service and her reinstatement or in-lieu compensation in the amount of two years' net base salary.²³ Furthermore, the UNDT awarded six months' net base salary for compensation for the substantive and procedural irregularities.

52. In the impugned Judgment, the UNDT noted it had “analyzed at length the evidence relating to the Administration failures to investigate her claim of sexual assault by another staff

¹⁹ *Shanks v. United Nations Joint Staff Pension Board*, Judgment No. 2010-UNAT-026bis, para. 4; *Costa v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-063, para. 4; *Meron v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-198, para. 26.

²⁰ *Andrey Chernov v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1320, para. 70 (internal footnote omitted).

²¹ UNDT Judgment *Ocokoru 1*, para. 78.

²² *Ibid.*, para. 82.

²³ *Ibid.*, paras. 129, 131 and 132.

member at UNMISS” in UNDT Judgment *Ocokoru 1*. The finding of lack of an investigation resulted in compensation being awarded to Ms. Ocokoru. The payment of that award, and the interest thereon, was the subject of UNDT Judgment *Ocokoru 2*. We do not find the UNDT erred in this regard.

53. Accordingly, Ms. Ocokoru’s argument that the UNDT erred in law and fact when it held that the allegation of rape is inadmissible for being *res judicata* when no relief was granted for the crime of sexual assault is without merit.

54. In UNDT Judgment *Ocokoru 2*, the UNDT determined that:²⁴

... The Applicant had been separated, thus the Tribunal agrees with the Respondent that the Applicant is not entitled to both reinstatement and compensation in lieu, as these remedies arising from Judgment No. UNDT/2015/004 were in the alternative. The Respondent opted to compensate in lieu of reinstatement and this decision of the Respondent is dispositive of the matter. The Respondent also paid compensation for damages on account of two other awards granted by the Judgment No. UNDT/2015/004. The Applicant neither disputes the fact that she was compensated nor the calculation.

55. In the impugned Judgment, the UNDT correctly recalled the findings in UNDT Judgment *Ocokoru 2* that “the issue of whether [Ms. Ocokoru] was properly and conclusively separated from service with the United Nations, was resolved in 2016 by the payment to [Ms. Ocokoru] of two year’s net base salary in lieu of reinstating her, pursuant to the judgment in *Ocokoru I*”.²⁵ Therefore, Ms. Ocokoru’s submission that the UNDT erred in law and in fact in finding that she had been separated from service is misplaced.

56. Ms. Ocokoru’s arguments relate to the same set of factual and legal issues that were determined in UNDT Judgment *Okokuru 1* and to the same cause of action raised in the cases previously filed by her, all of which have already been decided by final judgment. We have stressed the importance of the finality of a judgment in *Shanks*: “[t]here must be an end to litigation, and the stability of the judicial process requires that final judgments by an appellate court be set aside only on limited grounds and for the gravest of reasons, which is not the case here”.²⁶ Ms. Ocokoru should stop her re-litigation.

²⁴ UNDT Judgment *Ocokoru 2*, para. 14.

²⁵ Impugned Judgment, para. 13.

²⁶ *Shanks* Judgment *op. cit.*, para. 4.

57. Consequently, we conclude that Ms. Ocororu fails to demonstrate that the impugned Judgment is defective. We find that her application was barred by *res judicata* and therefore, the UNDT did not err in finding her application not receivable *ratione materiae*.

Judgment

58. Ms. Ocororu's appeal is dismissed, and Judgment No. UNDT/2023/109 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 25th day of October 2024 in New York, United States.

(Signed)

Judge Gao, Presiding

(Signed)

Judge Savage

(Signed)

Judge Sandhu

Judgment published and entered into the Register on this 19th day of November 2024 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar