



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/057
Order No.: 137 (NBI/2024)
Date: 2 October 2024
Original: English

Before: Judge Solomon Areda Waktolla

Registry: Nairobi

Registrar: Wanda L. Carter

RASCHDORF

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
FOR CORRECTION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Background

1. On 18 July 2023, the Applicant, a former P-4 Political Affairs Officer with the United Nations Assistance Mission for Iraq (UNAMI), filed an Application with the Dispute Tribunal to challenge decisions of the Advisory Board on Compensation and Claims (ABCC).
2. On 2 September 2024, the Tribunal rendered judgment on this matter and dismissed it as not receivable (Judgment No. UNDT/2024/054).
3. On 11 September 2024, the Applicant filed the subject motion of the present decision seeking correction of Judgment No UNDT/2024/054.
4. The Respondent made no submissions in response to the Motion.

Considerations

5. Article 12.1 of the Statute of the Dispute Tribunal affords either party the option of applying

[f]or a revision of an executable judgment on the basis of the discovery of a decisive fact which was, at the time the judgment was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence.

6. Such application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgment. (See also art. 29 of the Tribunal's Rules of Procedure.)

7. Article 12.2 of the Tribunal's Statute provides that

[c]lerical or arithmetical mistakes, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Dispute Tribunal, either on its own motion or on the application of any of the parties". (See also art. 31 of the Tribunal's Rules of Procedure.)

8. The former Administrative Tribunal stated in Judgment No. 896, *Baccouche* (1998):

[A]pplications for correction of clerical mistakes have no other purpose than to amend such mistakes in the text of a judgment. In fact, such mistakes may be typographical or arithmetical (affecting, for example, the amount of compensation) or they may result from an accidental slip or omission. The point at issue always relates to a defect in the drafting of the judgment and never to its substance, i.e. to possible unawareness on the part of the Tribunal of facts or applicable rules.

9. In *Bellachmi* UNDT/2013/175, the Dispute Tribunal held that

Correction or rectification of a judgment is strictly limited to “arithmetical mistakes or errors arise therein from any accidental slip or omission” as provided for in article 12.2 of the Statute of the Tribunal and article 31 of the Rules of Procedure.

10. In this case, the Applicant is seeking substantive changes to the Tribunal judgment which goes well beyond the scope of typographical errors or accidental slips or omissions. In other words, the Applicant’s grievances with UNDT/2024/054 are all matters of a substantive nature and would be more appropriately dealt with by an appellate Tribunal.

11. The Tribunal notes that, bearing in mind that the Applicant is self-represented, the Registry exceptionally reached out to advise her that the filing of this motion did not stay the established timelines for an appeal against the judgment she seeks to impugn.

12. Under the circumstances, the Tribunal finds this motion for correction to be misconceived and dismisses it as such.

Conclusion

13. The Motion for Correction is DISMSSED.

(Signed)

Judge Solomon Areda Waktolla

Dated this 2nd day of October 2024

Entered in the Register on this 2nd day of October 2024

(Signed)

Wanda L. Carter, Registrar, Nairobi