



Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

WILSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON APPLICATION FOR
CORRECTION OF JUDGMENT**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Yehuda Goor, AS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 108 (NY/2022) dated 12 December 2022, the Tribunal granted the Applicant's 11 December 2022 motion on withdrawal and closed the present case.
2. On 25 January 2023, the Applicant filed a "motion for correction of judgment".

Consideration

3. In the Applicant's 25 January 2023 motion, he explains his request as follows:

... The Applicant submits that a plain reading of [paras. 3 and 4 of Order No. 108 (NY/2022),] these 2 paragraphs read in succession falsely implies that the Applicant did not comply with Order No. 101 (NY/2022) and that he did not file his observations in response to the Respondent's contentions on non-receivability by 21 November 2022. It also falsely implies that the Applicant withdrew the case as a result of receiving Order No.101 (NY/2022). He did not. As clearly shown, the Applicant complied with Order No. 101 (NY/2022) [by the Applicant's 21 November 2022 response to Order No. 101 (NY/2022) dated 8 November 2022] and withdrew the case for the reasons stated in his 11 December 2022 motion on withdrawal [reference to annex omitted].

... The Applicant seeks to have this judgement corrected through the insertion of a paragraph between para. 3 and 4 confirming that the Applicant timely filed his response in compliance with Order No.101 (NY/2022) which specifically contested the Respondent's arguments on receivability. He also seeks an additional insertion that reflects the actual reasons why he withdrew the case as detailed in [the Applicant's 11 December 2022 motion on withdrawal] rather than leaving the reader with the implication that he withdrew the case because he did not want to comply with Order No. 101 (NY/2022).

4. The Tribunal notes that the Applicant's motion is submitted in reference to art. 31 of its Rules of Procedure. Pursuant to art. 31, the Tribunal may "at any time" correct "[c]lerical or arithmetical mistakes, or errors arising from any accidental slip or omission" in a judgment. No such mistake or error were, however, made in Order No. 108 (NY/2022). Rather, the insertions that the Applicant now seeks were not

made in Order No. 108 (NY/2022) as they were not considered relevant to the outcome of the case, namely its closure following the Applicant's withdrawal of his application. Accordingly, the Tribunal is not in a position to correct Order No. 108 (NY/2022) in accordance with art. 31 of its Rules of Procedure.

5. As the Tribunal, nevertheless, understands that these insertions are important to the Applicant, it will, pursuant to arts. 19 and 36 of its Rules of Procedure, reflect them in the instant Order, which will then constitute the final judicial action in the present case.

6. Firstly, the Tribunal observes that the Applicant indeed complied with Order No. 101 (NY/2022) by filing his observations in response to the Respondent's contentions on non-receivability on 21 November 2022.

7. Secondly, the Tribunal confirms that the Applicant withdrew his application after having provided the following reasons in his 11 December 2022 motion for withdrawal (although the text was therein inserted under the sub-heading, "Background"):

... The Applicant submitted this case after being informed that his personal information had been unlawfully shared on 10 May 2022 by ALD [the Administrative Law Division] with another staff member [AA, name redacted] as part of the compendium of information provided by ALD to [AA] to answer allegations against him [reference to annex omitted].

... The Applicant recalls para. 9 of *Wilson*, UNDT/2019/091:

9. Although the Applicant was concerned and distressed by the manner in which he had been treated, he made it plain that he was keen to explore, in a constructive manner, a resolution of his complaints **but also had in mind the ancillary benefit to other staff members if the issues of principle that he had raised were properly addressed** [emphasis added by the Applicant].

... The Applicant also recalls para. 15 of his 21 November 2022 submission in compliance with *Wilson*, Order No. 101 (NY/2022) ("However, it is again clear that ALD as Counsel for the Respondent is so desperate to shield their own director, [BB, name redacted] and

their ALD colleagues from any accountability, that they immediately rely on receivability to sweep the matter under the carpet, when the same people in ALD involved have charged [AA] for doing much less than what they have done themselves [reference to annex omitted]”).

... On 11 December 2022, the Applicant was informed that the allegations against [AA] had been withdrawn as a result of the Applicant’s 16 May 2022 affidavit [reference to annex omitted].

... Notwithstanding that the violation and abuse of the Applicant’s privacy by ALD and [BB] remain, the interest of the staff member, [AA], remains more important to the Applicant. Dropping the allegations against [AA] is a positive outcome of this unjustified administrative prosecution.

8. The Applicant thereafter concluded that, “As a consequence of the 9 December 2022 withdrawal of the allegations against [AA], the Applicant moves to withdraw the instant case. If granted, this request will bring these proceedings to an end”.

9. In light of the above,

IT IS ORDERED THAT:

10. The Applicant’s motion for correction is granted in part, as per the above.

(Signed)

Judge Joelle Adda

Dated this 28th day of July 2023

Entered in the Register on this 28th day of July 2023

(Signed)

Isaac Endeley, Registrar, New York