

*Registry's translation,
the French text alone
being authoritative.*

(Application for execution and interpretation)

107th Session

Judgment No. 2855

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for execution and interpretation of Judgment 2645 filed by Ms F. H. P. on 23 August 2008, the reply of the Food and Agriculture Organization of the United Nations (FAO) of 10 December 2008, the complainant's rejoinder of 5 February 2009 and the FAO's surrejoinder of 14 April 2009;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions;

CONSIDERATIONS

1. By Judgment 2645 delivered on 11 July 2007, the Tribunal ordered the FAO to pay the complainant "a sum equivalent to one year's salary and allowances for injury under all heads" and dismissed all her other claims.

The Organization paid the sum of 5,304,456 CFA francs into the complainant's bank account on 10 October 2007; it informed her thereof by an e-mail dated 18 October 2007.

2. On 23 August 2008 the complainant filed an application for execution and interpretation of Judgment 2645 referred to above, asserting that the FAO had merely paid her one year's salary, "without taking into account the allowances". She requests the Tribunal to "evaluate the[se] allowances" and to order the FAO to pay them to her. She points out that the Tribunal did not evaluate the allowances in question in the above-mentioned judgment and she therefore requests an interpretation of the said judgment "to enable the FAO to pay [her] the allowances for injury under all heads".

3. The FAO asserts that it has duly executed Judgment 2645 inasmuch as it has paid the complainant a sum equivalent to one year's salary with allowances for dependent children and a dependent spouse, calculated in accordance with the relevant provisions of the FAO Administrative Manual applicable at the time of the complainant's separation from service.

4. In her most recent written submissions to the Tribunal, the complainant acknowledges that she received the sum mentioned by the Organization but adds that she claims the sum of 5 million euros that her lawyer requested in March 2006. She considers that in paying her only one year's salary without taking into account the allowances, which in her view amount to 5 million euros, the FAO relied on an interpretation of Judgment 2645 that differs from hers.

5. It should be recalled that an application for interpretation of a judgment rendered by the Tribunal is receivable only if the operative part of the judgment gives rise to uncertainty or ambiguity about its meaning or purport (see, for example, Judgments 240 and 1306). The operative part of the judgment that the complainant wishes to have interpreted in the present case is clear and gives rise to no uncertainty or ambiguity. The Tribunal ordered the payment of one year's salary and allowances and dismissed her other claims, including that pertaining to payment of the sum of 5 million euros requested by the complainant's lawyer. The application must therefore be dismissed.

DECISION

For the above reasons,
The application is dismissed.

In witness of this judgment, adopted on 7 May 2009, Mr Seydou Ba, President of the Tribunal, Mr Claude Rouiller, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 8 July 2009.

Seydou Ba
Claude Rouiller
Patrick Frydman
Catherine Comtet