



Before: Judge Thomas Laker

Registry: Geneva

Registrar: René M. Vargas M.

KURUC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Karen M. Farkas, UNHCR

Introduction

1. By application sent on 26 May 2014, the Applicant, a former Senior Secretary (G-5) with the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Ankara, Turkey, contests her separation from service for misconduct, with compensation in lieu of notice and termination indemnity.

Facts

2. The Applicant joined UNHCR on 23 May 2005 under a fixed-term appointment as a Secretary (G-4) in Ankara, Turkey. She was promoted to the G-5 level, as Senior Secretary, in January 2010. At the time she was implicated in the allegations of misconduct subject of the present case, she was the Senior Secretary to the UNHCR Representative (“the Representative”) and Deputy Representative in Turkey. Her duties included, among others, the preparation of the Representative’s agenda, arrangement of the Representative’s trips and visits, for which the Applicant had to interact with the Turkish Ministry of Foreign Affairs. As stated by the Representative, because of the Applicant’s functions, the latter “was instrumental in setting up links between the High Commissioner and the Prime Minister”; she was “known to be the Secretary to the Representative and the Deputy” and “was the point of contact for protocol”.

3. As stated by the Applicant, she is an affiliate of a Turkish organization that is a member of the Steering Committee of the Women International Democratic Federation (“WIDF”). Based on the information in the Tribunal’s file, on 2 October 2013, the Applicant was invited to join a delegation of WIDF travelling to Damascus, Syria, on 20 October 2013. Indeed, on 2 October 2013, the President of WIDF sent the following email entitled “URGENT TRIP SYRIA FROM WIDF” to 12 email addresses, none of which was that of the Applicant:

Dear co[m]rades of WIDF:

I just received the new date proposed by [M. K.] Syria for the visit of the delegation of WIDF Syria. The new date is now October 20.

Comrades are you guys watching the tense and delicate situation in which our partners are going through right now in Syria.

Unfortunately the Syrian are not in a financial position at that time to send us plane tickets. I request all of you who make an extreme effort to facilitate the departure of you now that delegation of October 20 to Syria. It is extremely important.

I await a return of you urgently.

4. However, on the same day, *i.e.* on 2 October 2013, the Applicant received an email from WIDF, entitled “UMUT URGENT TRIP SYRIA”, which stated the following:

Dear Umut:

Today was finally possible to set the date of travel to Damascus in Syria at the International Solidarity meeting in Damascus. The new date is now October 20. It is very important your presence in the delegation from WIDF.

As you guys are neighbours of Syria thought it would be very important if you could be with us in the delegation of WIDF that is now in Syria on October 20.

Please reply me very urgent.

5. Subsequently, at a date unknown to the Tribunal, a formal invitation was addressed to the Applicant through the Syrian Arab Republic General Women Union, also a member of WIDF, as follows:

Ms. Umut Kuruc

General Women’s Union, in Syria honour to invite you to participate in a solidarity vigil hosted by the [WIDF] in Damascus against foreign interference in the internal affairs of Syria and rejection of foreign aggression and international terrorism faced by the Syrian people and so on 10.20.2013.

We hope your participation with us note that the General Women’s Union in Syria will bear all costs of the visit except for the airline ticket.

President of the General Women’s Union

Dr. [M. K.]

6. As explained by the Representative during her interview with the Inspector General's Office ("IGO"), when on 10 or 11 October 2013 the Applicant informed her of her intention to go to Syria, the Representative asked her to seek the advice of the UNHCR Regional Field Security Advisor. The Representative also stated that she requested the Applicant to provide a written outline of the purpose of her visit, which the Applicant failed to do.

7. Apparently, the UNHCR Regional Field Security Advisor, who was not interviewed by the IGO, informed the Applicant—who came to see him on the same day—that it was not safe to travel to Syria for security reasons, but told her that since it was a private trip, she did not need security clearance.

8. The Applicant subsequently decided not to undertake the visit to Syria for personal reasons relating to her father's forthcoming surgery, and requested three days of annual leave, which were approved.

9. However, the Applicant stated that on 18 October 2013 her father's surgery was postponed and she decided to take part in the WIDF visit to Syria. She did, however, not communicate her change of plans to the Representative. The Applicant travelled to Syria using her Turkish passport, and from 19 until 22 October 2013, participated in the visit of the WIDF delegation to Damascus.

10. On 21 October 2013, when she was having breakfast, she was informed that she and the other members of the delegation had to be ready to visit the President of Syria, in a meeting organised by the Syrian Women Union. According to the Applicant, such a meeting came as a surprise to her as it was not on the agenda and the delegation had not been informed about it beforehand. She considered however that she could not refuse an invitation from a Head of State in his country, and attended the visit, during which she handed a white flag with the inscription in Turkish "BOYUN EGME", which means "do not yield", to the Syrian President.

11. The Applicant stated that there were no journalists in the room, but that a photographer of the President took pictures of the meeting. She further noted that in the late afternoon of the same day, namely on 21 October 2013, the delegation

was taken to a TV channel for a live interview. The Applicant stressed, however, that while “the rest of the delegation went”, “thinking of [her] employment situation, [her] UN and UNHCR position, [she] refused to attend that interview and [...] didn’t go there”. She returned to Ankara on 22 October 2013, and came back to work on the following day.

12. On 22 or 23 October 2013, a picture of the Applicant handing the flag to the President of Syria was published in an online Turkish newspaper, *milliyet.com.tr*, as well as in Syrian media. While the Applicant’s affiliation with UNHCR was not rendered public, her name was expressly mentioned next to the picture published in the Turkish newspaper.

13. The Applicant found out about the publication of the picture on 23 October 2013. The Representative stated that she discovered the existence of the picture on the same day, when she was given media reports and newspaper articles in her office, and that this was how she was made aware that the Applicant had been to Syria and of the nature of her visit.

14. On the same day, *i.e.* on 23 October 2013, the IGO received an e-mail alleging that the Applicant had travelled to Syria and met with the Syrian President, and that a picture of her handing over a Gezi demonstrators’ flag—with an inscription in Turkish meaning “do not yield”—to the Syrian President had been taken and subsequently been published in an online Turkish newspaper, *milliyet.com.tr*.

15. In view of the allegations against the Applicant, she was placed on administrative leave with full pay as of 23 October 2013 by the Director, Division of Human Resources Management (“DHRM”), UNHCR, and the IGO conducted an investigation. Also on 23 October 2013, the IGO looked at the Applicant’s personal Facebook account, and noted that the above-referenced picture had been posted on the Applicant’s “wall” on Facebook. The IGO further noted that “although [the Applicant] had, at the time of her interview with the IGO, removed any reference to her professional affiliation from her Facebook page, her profile read on 23 October 2013: ‘works at [UNHCR]’”.

16. The IGO interviewed the Representative on 29 October 2013, and when asked about the impact of the Applicant's visit to Syria on UNHCR, she responded as follows:

It could be devastating. I knew that [the Applicant] was interested in human rights, and that she is a member of a women's group but that this never compromised her position as a UN staff. But to meet with a Head of State alone was compromising. She knew the dynamics between the Prime Minister in Turkey and the President of Syria, they were calling each other terrorists. Turkey houses the opposition. There are 600,000 Syrians in Turkey, we have been in negotiations for 2 and a half years.

17. During her interview with the IGO, the Representative also indicated that there had been no reactions from the Government of Turkey pertaining to the publication of the picture. She mentioned, however, that she had been approached by the Director, Bureau for Europe, UNHCR in Brussels, who had received a query about the matter from the European Union.

18. On 30 October 2013, the Applicant was informed that she would be interviewed by the IGO over the telephone on 1 November 2013. Prior to the interview, she was sent a copy of the photograph depicting her with the Syrian President.

19. On 6 November 2013, following the Applicant's telephone interview, the IGO requested the Applicant to submit additional information, namely the invitation she received from WIDF to visit Syria, and the statute of WIDF. The Applicant provided the requested documents on 11 and 17 November 2013. On 19 November 2013, she was provided with a copy of her interview record for corrections and/or comments; she returned her interview record and provided additional information by e-mail.

20. On 11 December 2013, the Applicant was provided with a copy of the draft investigation findings, to which she submitted comments on 19 December 2013.

21. On 23 December 2013, the IGO issued its Investigation Report ("IR") and forwarded it to the Director, DHRM, UNHCR. The IR conclusion was that:

By her mere attendance of a meeting with the Syrian President, by giving him a flag which reads “Do not yield” and by allowing herself to be photographed together with the Syrian President, [the Applicant] has engaged an action which can be construed as a public pronouncement in favour of the Syrian President. The IGO also finds that being part of such a visit on behalf of a political organization is not compatible with her obligations of integrity, independence and impartiality that are required by her status as an international civil servant.

22. The IGO considered that the evidence available supported a finding that the Applicant:

- a. Failed to disclose the political nature of visit to Syria and failed to follow the directions and instructions properly issued by her supervisor, [the UNHCR Representative in Turkey];
- b. Failed to conduct herself in a manner befitting her status as an international civil [servant]. By openly showing support to the Syrian [P]resident, she engaged in a political activity incompatible with the proper discharge of her duties with the United Nations and which could have, moreover, jeopardized UNHCR operations in Turkey and Syria.

23. On 3 January 2014, a charge letter containing allegations that the Applicant “failed to conduct [her]self in a manner befitting [her] status as an international civil servant by engaging in a political activity incompatible with the proper discharge of [her] duties with the United Nations and which was inconsistent with and reflected adversely upon the independence and impartiality required by that status”, was sent to the Applicant, together with a copy of the IR. She was asked to respond to the allegations within two weeks and to produce countervailing evidence, if any.

24. The Applicant acknowledged receipt of the charge letter and the IR on 9 January 2014 and submitted her response on 24 January 2014. In addition, the Office of Staff Legal Assistance provided a response on behalf of the Applicant on 7 February 2014.

25. By memorandum of 19 February 2014, the Director, DHRM, UNHCR, recommended to the High Commissioner for Refugees the Applicant’s separation

from service for misconduct, with compensation in lieu of notice, and with termination indemnity pursuant to staff rule 10.2(a)(viii) and paragraph (c) of Annex III to the Staff Regulations. The recommendation was approved on 21 February 2014.

26. On 25 February 2014, the Applicant was notified of the disciplinary measure to separate her, by letter dated 24 February 2014 from the Director, DHRM, UNHCR. The reason provided was that she had “failed to conduct [herself] in a manner befitting [her] status as an international civil servant by engaging in a political activity incompatible with the proper discharge of [her] duties with the United Nations and which was inconsistent with and reflected adversely upon the independence and impartiality required by that status”. She was separated effective 26 February 2014.

27. On 26 May 2014, the Applicant emailed the present application, with supporting documentation, to the generic address of the Office of the Administration of Justice and to the eFiling portal support team. On 17 June 2014, she submitted it through the eFiling portal.

28. On 25 July 2014, the Respondent filed his reply to the application, and on 18 December 2014, the Tribunal held a hearing, at which the Applicant and Counsel for the Respondent appeared in person.

Parties’ submissions

29. The Applicant’s principal contentions are:

a. While she admits most of the conduct investigated in the IR and apologizes for her actions regarding her trip to Syria and subsequent photograph with the Syrian President, she notes however that the allegations against her have to be placed in the proper context:

i. The Representative did not object to her visit to Syria; the Applicant however regrets not having exercised more caution in further notifying her supervisor of her change in plans once she learnt that the surgery of her father was postponed;

ii. She did not check the status of the Syrian Arab Women Union since she relied in good faith on the invitation by the WIDF, which is a longstanding, non-political organization with consultative status at the UN; she refutes the IGO statement that it is highly probable that she knew or should have known that there was a strong political connotation of her visit to Syria, which she attended in a private capacity with a mere humanitarian and not a political purpose;

iii. The meeting with the Syrian President during her visit to Damascus was completely unexpected and to refuse an invitation from a Head of State could have been interpreted as a political act and insult by the Syrian authorities;

iv. She had brought the flag with her to Syria in order to give it to the Syrian Women's Organization, not to the Syrian President; however, since all members of the delegation were handing something to the President and "the only thing she had in her bag was that", it unfolded as a mere souvenir presented by a guest to the host;

v. The slogan on the flag, meaning "do not yield" in Turkish, had been used by protesters in Turkey to signify pushing back against Government pressure and standing up for private rights; it does not have a political affiliation with one party or another; she now regrets having given it to the President, but reiterates that her gesture was rooted in sympathy for the struggles of the Syrian people, and not in any way connected to political support for the Syrian President or his regime;

vi. The publication of the picture in the media was entirely out of her control and came as a surprise to her; in fact, she had not disclosed her name during the visit to anyone, so she does not understand how her name was included next to the picture; it cannot be excluded that this was in fact an action taken solely by the Syrian President to use it for his own propaganda;

vii. Finally, because of her status as a UNHCR staff member, she took special care during the visit not to get involved in any activity that may have political implications, for instance she refused to attend an interview with the Syrian television and newspapers;

b. Moreover, the investigation conducted by the IGO was flawed:

i. It is incomplete since the UNHCR Regional Field Security Advisor was not interviewed, and he could have shed light on the fact that she went to Syria with the consent of her supervisors; also, the WIDF was never contacted by the IGO;

ii. The use of Facebook evidence against her is a violation of her right to privacy; the evidence collected in this way should be barred from the investigation;

iii. Her explanation that her Facebook account had been hacked was not considered by the IGO; indeed, she denies having posted the photograph of her with the Syrian President on her Facebook account and having commented thereon;

c. Her visit to Syria-which is a country member of the United Nations-did not interfere with the performance of her official duties and responsibilities, or with the integrity, independence and impartiality required by her status as an international civil servant. She was not travelling as a UNHCR staff member and did not inform anyone about her occupation;

d. There is also no supporting evidence for the conclusion that her visit to Syria did jeopardize UNHCR operations in the region or cause discredit to UNHCR; in fact, in November 2013 she was still receiving calls on her mobile phone from the Turkish Ministry of Foreign Affairs, and she even received an email regarding a work request on her personal address, which was sometimes given as an alternate email, from the Office of Human Rights of the Turkish Government; this shows that the Government of

Turkey had no problem to continue working with her; also, no inquiry was launched against her by the Turkish authorities;

e. To be separated from service for having participated in a humanitarian mission and supported women and children in a war situation is not justified; rather, it is an arbitrary act by UNHCR that is obviously politically motivated, in order not to damage UNHCR relation with the Turkish Government;

f. She has an excellent performance history and good references;

g. In view of the above, the contested decision should be reversed and she should be reinstated to her post; also, she requests “full compensation” for her undue separation and the moral damage suffered by the accusations made against her.

30. The Respondent’s principal contentions are:

a. In reviewing the imposition of a disciplinary measure, the Tribunal has to consider (1) whether the facts on which the disciplinary measure was based have been established; (2) whether the established facts legally amount to misconduct under the staff regulations and rules, and (3) whether the disciplinary measure applied is proportionate to the offence;

b. In the present case, while Syria is in the midst of a publicised armed conflict, it is established that the Applicant, a Turkish national employed as the Senior Secretary to the UNHCR Representative in Turkey, dealing mainly with senior officials of the Turkish Government, was photographed with the Syrian President presenting him voluntarily with a flag reading “do not yield”, and that photograph was published in the Turkish media and posted on Facebook. These actions by the Applicant are in direct conflict with the integrity, independence and impartiality required from her as an international civil servant and United Nations staff member, in particular by staff regulation 1.2 (f), as such amounting to misconduct;

c. The Applicant's assertion that she was simply participating in a humanitarian mission lacks credibility, particularly in light of the clear wording of the invitation sent by the Syrian Arab Republic General Women Union, the subsequent meeting with the Syrian President and the presentation of the flag with the words "do not yield";

d. The investigation by the IGO was conducted in a fair and transparent manner, and there are no grounds to support the Applicant's assertion that the use of her publicly available Facebook page for purposes of the investigation constituted a violation of her right to privacy, since access to her Facebook page was possible as no privacy settings were activated; even assuming that her assertion that her Facebook account had been hacked was true, this would not change the outcome of her case;

e. As to whether the disciplinary measure applied is proportionate to the offence, it is established jurisprudence that due deference must be shown to the High Commissioner's administrative discretion in his decisions on disciplinary measures, and in the present case the disciplinary measure was proportionate to the Applicant's conduct, taking into account her role and responsibilities as the Senior Secretary to the Representative and her interactions with the Turkish Government;

f. In view of the above, the application should be rejected in its entirety.

Consideration

Receivability

31. Pursuant to staff rules 10.3(c) and 11.4(b), a staff member may challenge the imposition of a disciplinary measure by appealing directly to the Dispute Tribunal within 90 calendar days from the date of the notification of the decision, without seeking first management evaluation. In the present case, the contested disciplinary measure was notified to the Applicant on 25 February 2014, therefore the deadline to submit her application to the Tribunal was 26 May 2014. On that day, due to technical issues encountered when trying to submit her application to

the Tribunal through the eFiling portal, the Applicant emailed her application to the generic address of the Office of the Administration of Justice (oaj@un.org) and to the eFiling support team (ccms-support@un.org). She succeeded in submitting her application through the eFiling portal only on 17 June 2014 (see paras. 26 and 27 above).

32. The Tribunal considers that by emailing her application to the Office of Administration of Justice and to the eFiling support team on 26 May 2014, the Applicant duly complied with the statutory time-limit and her application is receivable *ratione temporis*, which the Respondent does not contest (see also *Harrich* UNDT/2014/109).

Merits

33. As regularly recalled by the United Nations Appeals Tribunal (“UNAT”) for instance in *Walden* 2014-UNAT-436 and *Diabagate* 2014-UNAT-403, it is settled jurisprudence that, when reviewing a disciplinary sanction imposed by the Administration, the role of the Tribunal is to examine:

whether the facts on which the sanction is based have been established, whether the established facts qualify as misconduct, and whether the sanction is proportionate to the offence.

34. In the present case, the facts on which the disciplinary measure was based are not at challenge. Indeed, it is established, and not contested, that during the period of 19 to 22 October 2013, the Applicant travelled to Syria in her private capacity as a member of a WIDF delegation, responding to an invitation received from the Syrian Arab Republic General Women Union. During that visit, on 21 October 2013, she attended a meeting with the President of Syria, along with the other members of the WIDF delegation. During that meeting, she handed a flag with the words “Do not yield” in Turkish to the Syrian President. A picture of that encounter was taken and published in a Turkish online newspaper, with the name of the Applicant printed next to the picture, although her affiliation with UNHCR was not mentioned.

35. As a second step, the Tribunal needs to consider whether the established facts do qualify as misconduct. In this respect, the Tribunal recalls that staff regulation 1.2, under “General rights and obligations”, provides as follows:

...

(e) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all staff members by virtue of their status as international civil servants;

(f) While staff members’ personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

...

36. The Tribunal further notes that the Standards of conduct for the international civil service, 2001 (see Sec. V of ST/SGB/2002/13 (Status, basic rights and duties of United Nations staff members)), stipulate:

Personal conduct

38. The private life of international civil servants is their own concern and organizations should not intrude upon it. There can be situations, however, in which the behaviour of an international civil servant can reflect on the organization. International civil servants must therefore bear in mind that their conduct and activities outside the workplace, even if unrelated to official duties, can compromise the image and the interests of the organization. [...]

37. In view of above-quoted staff regulation 1.2(f), it is clear that the rules governing the conduct of international civil servants apply and have a bearing on

their private life, since their conduct, including in a “private” capacity, can have an impact on the image and mission of the Organization they serve.

38. In the present case, there is no doubt that the wording of the invitation conveyed personally to the Applicant by the Syrian Arab Republic General Women Union had a strong political connotation: “solidarity *vigil* [...] against foreign interference in the internal affairs of Syria and rejection of foreign aggression and international terrorism faced by the Syrian people” (emphasis added). Therefore, it was obvious for an objective and reasonable reader that given the Applicant’s functions and status as a UNHCR staff member, any kind of participation in the visit to Syria was extremely delicate. This is even more true for the Applicant who, taking into account her position within UNHCR and her voluntary work with diverse associations, must have been fully aware of political sensitivities.

39. Further, the Tribunal observes that the Applicant, when invited to meet with the Syrian President, could not ignore the political implication that such an encounter would have. The fact that she declined to attend a TV interview later that day, because, as she explained, she thought of her “employment situation, [her] UN and UNHCR position” (see para. 11 above), clearly indicates that, indeed, she was very well conscious of the fact that her participation in the WIDF delegation in Syria, even in her personal capacity as a Turkish national, might be in a potential conflict with her functions as a UNHCR staff member. In fact, it is public knowledge that in the context of the ongoing conflict in Syria, there are tensions between the Turkish and the Syrian authorities, and that the number of Syrian refugees in Turkey, falling under UNHCR mandate, is significant. The Tribunal considers that the Applicant, as a Senior Secretary to the UNHCR Representative in Turkey, must have been fully aware that any kind of action which could be perceived as an interference into the sensitive Turkish-Syrian relations-and particularly a meeting with the Syrian President-would raise UNHCR concerns.

40. In addition, it is noteworthy that not only did the Applicant attend the meeting with the Syrian President, but she also handed him a flag with the words

“Do not yield” in Turkish. Obviously, the Applicant’s gift could be perceived as a gesture of support to the Syrian President, thus having a clear political implication too. The potential negative impact on UNHCR standing and operations in and even beyond Turkey, by the publication of a picture of that event in the Syrian and Turkish media—even though the Applicant’s affiliation with UNHCR was not expressly mentioned—is equally apparent.

41. The Applicant insisted that, in reality, no damage was caused by her gesture to UNHCR operations in Turkey, since Turkish authorities did not pursue any legal action against her upon her travel back to Turkey. In fact, an actual impact can be seen from the fact that UNHCR Brussels appears to have received a query from the European Union with respect to the Applicant’s encounter with the Syrian President and the picture taken at that occasion. However, independently of the extent of the actual impact of the incident on UNHCR operations, it is the Tribunal’s view that the mere fact that the Applicant attended the meeting with the Syrian President and gave him the flag was enough to seriously jeopardize UNHCR scope of action and integrity, and is in itself sufficient to constitute a breach to staff regulation 1.2(f). The Tribunal holds that by doing so, the Applicant did not conduct herself in a manner befitting her status as an international civil servant, and that her conduct adversely reflected on her integrity, independence and impartiality required by that status.

42. Having qualified the Applicant’s conduct as misconduct, the Tribunal, as a third step, has to review whether the sanction imposed on her was proportionate to the offence. In that regard, it has to be recalled that pursuant to staff rule 10.1(c), the imposition of a disciplinary measure is within “the discretionary authority of the Secretary-General or officials with delegated authority”, and that according to established jurisprudence, the Tribunal’s review of the proportionality of a disciplinary sanction is limited to cases in which such sanction appears to be “absurd, arbitrary or tainted by extraneous reasons or bias” (see e.g. *Mousa* 2014-UNAT-431). In the present case, the disciplinary measure imposed on the Applicant was the sanction of separation from service, with compensation in lieu of notice and with termination indemnity. It was based on staff rule 10.2(a)(viii), which provides for the following sanctions:

Separation from service, with notice or compensation in lieu of notice, notwithstanding staff rule 9.7, and with or without termination indemnity pursuant to paragraph (c) of annex III to the Staff Regulations[.]

43. The Tribunal notes that the disciplinary measure imposed on the Applicant was not the most severe that could have been taken by UNHCR based on the list of disciplinary measures under staff rule 10.2(a); it was not even the most severe sanction within lit. (viii) of staff rule 10.2(a) itself. Considering the circumstances of the present case as described above, in particular the potential damage to UNHCR operations and standing in Turkey, the sanction taken appears neither to be absurd or arbitrary, nor tainted by extraneous reasons or bias. Therefore, the Tribunal considers that the disciplinary measure imposed on the Applicant was in line with the principle set by staff rule 10.3(b), namely that it was proportionate to the nature and gravity of the misconduct.

Procedural issues

44. The Applicant raised several issues related to the investigative process into her case. In particular, she criticised the fact that the UNHCR Regional Field Security Advisor was not interviewed by the IGO (see para. 7), who in her view could have provided information with respect to her contention that the Representative did not expressly object to her travel to Syria when she informed her about her plans. She also contested having posted the picture published in the Turkish media on her Facebook profile, alleging that she had been the victim of hacking. Finally, she submitted that her account had been accessed in an illegal way by the IGO in the course of its investigation.

45. The Tribunal notes that the issues described by the Applicant have no impact whatsoever on the established and retained facts of the case, which the Tribunal deems to amount to misconduct and for which it considers the disciplinary measure imposed on the Applicant as proportionate. Therefore, it is not necessary to examine them.

Conclusion

46. In view of the foregoing, the Tribunal DECIDES:

The application is rejected in its entirety.

(Signed)

Judge Thomas Laker

Dated this 30th day of January 2015

Entered in the Register on this 30th day of January 2015

(Signed)

René M. Vargas M., Registrar, Geneva