

UNDT/2010/030, Abboud

UNAT Held or UNDT Pronouncements

The application for deferral of judgment pending the outcome of the appeal is refused. The Respondent is to appoint an official of at least the rank of USG to consider afresh the complaints of the Applicant in respect of the conduct of the SG. The official is to launch an investigation, as appropriate, under staff rule 10.1 if it is reasonable to suspect that the SA acted in such a way as to justify the imposition of a disciplinary measure.

Accountability referral: the USG's conduct in dealing with the complaint of the Applicant and in giving evidence to the Tribunal is referred to the SG for consideration under art 10.8 of the Statute. The SG is requested to inform the Tribunal of the outcome of the referral as a courtesy.

Decision Contested or Judgment/Order Appealed

The applicant was interviewed for a position by an interview panel, but complained to the USG of the department about the conduct of one of the panelists who was the USG's Special Assistant. The USG decided that a preliminary investigation was not required. The Tribunal rescinded this decision. A further hearing was held to decide whether the USG's conduct should be referred to the SG for possible action to enforce accountability pursuant to art 10.8 of the UNDT Statute for his conduct in relation to the applicant's complaints and his unsatisfactory conduct before the Tribunal.

Legal Principle(s)

Although staff members of the Organization are ultimately accountable to the SG in respect of their conduct, the Tribunal is given a specific responsibility by art 10 of its Statute to refer cases to the SG to consider taking action to enforce accountability.

Giving evidence in the Tribunal is personal, not official, conduct. Doing so dishonestly is serious misconduct. Observations about conflict of interest. ST/AI/371 has been impliedly repealed by ST/SGB/2009/7. Observations on the prerequisites for launching an investigation and imposing a disciplinary or non-disciplinary measure. Even if it were not for art 10.8, it would be proper for a UNDT Judge to bring conduct warranting consideration and possible action by the SG to his or her attention.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Abboud

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/099/JAB/2009/044

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Feb 2010

Duty Judge

Judge Adams

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Investigation

Due process

Referral for accountability

Applicable Law

Former Staff Rules

- Rule 110.4

Secretary-General's bulletins

- ST/SGB/2009/7

UNDT RoP

- Article 11
- Article 36

UNDT Statute

- Article 2.1

UNRWA DT Statute

- Article 10.8