UNDT/2010/036, Sanwidi

UNAT Held or UNDT Pronouncements

The Tribunal is entitled to examine the entire case before it. In other words, the Tribunal may consider not only the administrative decision of the Secretary-General imposing disciplinary measures but also examine the material placed before him on which he bases his decision in addition to other facts relevant to the said material. The rush by the investigators to produce a prejudiced report dripping with innuendos, riddled with ridiculous findings and which completely and unjustly tars the Applicant with a brush of criminality must be loudly condemned by this Tribunal.

Decision Contested or Judgment/Order Appealed

OHRM informed the Applicant that he had been summarily dismissed for serious misconduct, namely, failing to comply with UN Staff Member obligations by soliciting and accepting money from a vendor who did or sought to do business with MONUC. The Applicant contested this decision.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Parties are directed to provide written submissions as to the appropriate relief that should be ordered within 7 days from the distribution of this judgment.

Full judgment

[Full judgment](#)

Applicants/Appellants

Sanwidi

Entity

UNAMIR

Case Number(s)

UNDT/NBI/2009/053

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

1 Mar 2010

Duty Judge

Judge Izuako

Language of Judgment

English
French

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct
Dismissal/separation
Separation from service
Termination (of appointment)
Summary dismissal

Applicable Law

Financial Regulations and Rules

- Rule 5.12

Other UN issuances (guidelines, policies etc.)

- UN Procurement Manual
- OIOS Investigations Manual

Secretary-General's bulletins

- ST/SGB/2008/5
- ST/SGB/273

Staff Regulations

- Regulation 1.2(l)

Staff Rules

- Rule 1.2(b)
- Rule 1.2(e)
- Rule 1.2(f)
- Rule 1.2(g)
- Rule 110.4
- Rule 112.3