

UNDT/2010/175, Bekele

UNAT Held or UNDT Pronouncements

The UNECA Administration did not comply with the procedures which prescribe how to handle issues related to the arrest and detention of staff members. The UNECA Administration did not act to protect the applicant in a manner consistent with UN international legal instruments on human rights. The UNECA Administration failed to safeguard the applicant's privileges and immunities as a staff member of the United Nations and to protect the interests, standards and values of the Organization. The OIC of the UNECA SSS at the time, in his actions and inactions, fell far short of many of the core values and competencies required of a United Nations Staff member and Manager with regard to how he dealt with the applicant's arrest and detention. The said OIC did not report the matter of the applicant's arrest and detention to UN authorities in New York as he was required to do. The UNECA Administration constructively treated the applicant as having abandoned his post even though they did not initiate procedures for doing so in accordance with ST/AI/400.

Decision Contested or Judgment/Order Appealed

The Applicant was arrested, detained and mistreated by the Ethiopian police. The Applicant contests his subsequent treatment by the ECA, in particular the denial of his subsequent request to relocate him to a duty station outside of Ethiopia.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The respondent is ordered to pay the applicant's salary from the date it was withheld until the date when the applicant was informed of the Secretary-General's decision to take no further action in respect of his complaint, with interest at 8% per month for the said period and the applicant shall also be paid six months' net base salary for the respondent's various due process failures.

Full judgment

[Full judgment](#)

Applicants/Appellants

Bekele

Entity

UNECA

Case Number(s)

UNDT/NBI/2009/056

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

8 Oct 2010

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Privileges and immunities

Separation from service

Abandonment of post

Applicable Law

Administrative Instructions

- ST/AI/2002/3
- ST/AI/299
- ST/AI/400

Agreements, conventions, treaties (etc.)

- Universal Declaration on Human Rights

Secretary-General's bulletins

- ST/SGB/198
- ST/SGB/1999/15

Staff Regulations

- Regulation 1.2(c)

Related Judgments and Orders

2010-UNAT-009