

UNDT/2011/219, Abubakr

UNAT Held or UNDT Pronouncements

The UNDT found that the Panel on Discrimination and other Grievances, which was the body mandated to investigate the Applicant's complaint, failed to act expeditiously in bringing the Applicant's case to conclusion, finish its investigation, and issue its final report, as required by ST/AI/308/Rev.1. The UNDT found that the Organization failed to properly address the Applicant's complaint of harassment and discrimination and was thus in breach of the Applicant's contract. The UNDT found that the Applicant did not prove that any actual economic loss warranting compensation was caused to him. However, the UNDT found that the Organization's failure to address the Applicant's complaint caused him emotional distress and had some negative effect on his health. The UNDT found that the Applicant shall be paid USD40,000 as compensation for the harm caused to him.

Decision Contested or Judgment/Order Appealed

The Applicant contested the alleged failure of the Administration to address his complaint of harassment and discrimination.

Legal Principle(s)

Redaction of name, confidentiality: The applicant must establish sound and valid reasons for redacting her or his name from published rulings. Compensation for emotional distress: With respect to compensation for emotional distress and negative effect on the Applicant's health, he should be recompensed for the negative impact of the breach and the compensation should be proportionate to the established damage suffered by him, taking into account the particular circumstances of the case. Outcome: The UNDT awarded the Applicant USD40,000 as compensation for the Respondent's failure to adequately address his complaint of harassment and discrimination and for the harm caused to him by that failure.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Abubakr

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/088

Tribunal

UNDT

Registry

New York

Date of Judgement

29 Dec 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct
Harassment (non-sexual)
Investigation

Applicable Law

Administrative Instructions

- ST/AI/2010/4/Rev.1

Related Judgments and Orders

UNDT/2009/079
UNDT/2010/148
UNDT/2011/022
2010-UNAT-061
2010-UNAT-095
2011-UNAT-141
2011-UNAT-143
2011-UNAT-151
2011-UNAT-169
2011-UNAT-170
2011-UNAT-182
2011-UNAT-184