

# **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/OrderAppealed**

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