

UNDT/2012/201, Haydar

UNAT Held or UNDT Pronouncements

The UNDT found that the Respondent had failed to fully comply with his obligations under ST/SGB/2008/5 with respect to the Applicant's complaints and that the Respondent had violated the Applicant's rights by not promptly providing her with a summary of findings and conclusions and by not investigating allegations of misconduct that impacted on her. Action to be taken under sec 5.14 of ST/SGB/2008/5: Depending on the circumstances of the case, section 5.14 may have two elements that must be satisfied by the Organization. The first component of section 5.14 is the review and assessment of the complaint. The second component, which calls for the Responsible Official to "promptly" appoint a fact finding panel to investigate the allegations contained in the complaint, comes into play if the Responsible Official finds after the assessment that the complaint appears to have been made in good faith and that there are sufficient grounds to warrant a formal fact-finding investigation. Release of investigation reports: Section 5.18(a) of ST/SGB/2008/5 does not expressly state that the alleged offender and the aggrieved individual should be provided with copies of the investigation report. Whether or not the Administration should provide an alleged offender and/or the aggrieved individual with a copy of an investigation report after a case is closed under section 5.18 is a decision that should be taken on a case by case basis after the totality of the circumstances have been taken into consideration.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision to not take action against staff members who had made allegations of prohibited conduct against her after the allegations were deemed unsubstantiated. She also appealed the Respondent's failure to take prompt action on her complaints of prohibited conduct.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Haydar

Entity

UNAMID

Case Number(s)

UNDT/NBI/2011/071

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

19 Dec 2012

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Abuse of authority

Disciplinary measure or sanction

Investigation

Applicable Law

Administrative Instructions

- ST/AI/371

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2008/5

Related Judgments and Orders

UNDT/2010/174

UNDT/2010/205

2010-UNAT-100