

UNDT/2014/001, Iryumugabo

UNAT Held or UNDT Pronouncements

The Tribunal concluded that the facts on which the sanction was based were established, that the established facts constituted misconduct and that the sanction was proportionate to the offence. Conflict of interest: The Tribunal held that the fact that the Applicant sought to obtain a remunerated contract for his company to undertake the construction of stands rather than advise the organizers to seek an independent contractor demonstrated the existence of a real conflict of interest between his position as the CEO of a private company and his position as a staff member. Even though BINUB was not to be involved in the construction of the stands, the Applicant benefited from the association with his company by reason of his position with the United Nations. Ignorance of the law: Noting the Applicant's contention that he was unaware of the UN rules relating to outside activities, the Tribunal observed that ignorance of rules and regulations in an employment relationship is not a defense to non-compliance with the employment rules and regulations under which a person is recruited. Consequently, the Tribunal held that the Applicant was aware or deemed to be aware of the staff rules and regulations by the very fact of the letter of appointment that he signed where he acknowledged that he was familiar with these rules and regulations.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the USG/DM separate him from service for owning a private company while employed as a BINUB staff member (outside activities).

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Iryumugabo

Entity

BINUB

Case Number(s)

UNDT/NBI/2012/10

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

13 Jan 2014

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Investigation

Applicable Law

Administrative Instructions

- ST/AI/2000/13

Secretary-General's bulletins

- ST/SGB/2002/1
- ST/SGB/2009/7

Staff Regulations

- Regulation 1.2(m)
- Regulation 1.2(o)
- Regulation 1.2(p)

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2013/080

2010-UNAT-024

2010-UNAT-028

2010-UNAT-067

2010-UNAT-098