

# UNDT/2015/008, Kuruc

## UNAT Held or UNDT Pronouncements

The Tribunal deemed that it was established that in October 2013, the Applicant, a staff member of UNHCR in Turkey, had travelled to Syria in her capacity as a member of a delegation of the Women International Democratic Federation, responding to an invitation received from the Syrian Arab Republic General Women Union. During that visit, she attended a meeting with the President of Syria during which she handed him a flag with the words “Do not yield” in Turkish. A picture of that encounter was taken and published in a Turkish online newspaper. The Tribunal considered that in view of the clear wording of the invitation received from the Syrian Arab Republic General Women Union, and the Applicant’s functions and position at UNHCR, she must have been fully aware of the political implications of her actions. The Tribunal held that by attending the meeting with the Syrian President and giving him the flag, she did not conduct herself in a manner befitting her status as an international civil servant, and that her conduct was in breach to staff regulation 1.2(f). It further concluded that the disciplinary measure imposed on the Applicant was not the most severe available, and that it was proportionate to the nature and gravity of the misconduct.

## Decision Contested or Judgment/Order Appealed

The Applicant appealed the imposition of a disciplinary measure of separation from service for misconduct, with compensation in lieu of notice and termination indemnity, due to an alleged breach of the integrity, independence and impartiality required from her as an international civil servant.

## Legal Principle(s)

Receivability: The emailing of an application to the Office of Administration of Justice and to the eFiling support within the statutory time-limit of 90 calendar days in order to seize the Dispute Tribunal is sufficient to deem the application receivable *ratione temporis*. Staff regulation 1.2: Rules governing the conduct of international civil servants apply and have a bearing on their private life as well, since their conduct, including in a “private” capacity, can have an impact on the image and mission of the Organization they serve.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kuruc

Entity

UNHCR

Case Number(s)

UNDT/GVA/2014/48

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Jan 2015

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Investigation

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Separation from service

Applicable Law

Staff Regulations

- Regulation 1.2(f)

Staff Rules

- Rule 10.2(a)(viii)
- Rule 10.3(b)
- Rule 10.3(c)
- Rule 11.4(b)

Related Judgments and Orders

UNDT/2014/109

2014-UNAT-436

2014-UNAT-403