

# UNDT/2020/220, Applicant

## UNAT Held or UNDT Pronouncements

UNDT was satisfied, based on the evidence, that the Applicant was prepared to use his power and influence to make life in the United Nations difficult for the Complainant if she pursued her complaint against him. UNDT held that this evidence satisfied the clear and convincing requirement. The evidence also showed that, during the investigation, the Applicant was afforded the due process rights he was entitled to. UNDT held that the disciplinary action of summary dismissal in this matter was justified and proportionate. UNDT dismissed the application.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision to separate him from service for misconduct in violation of Staff Rules 1.2(a) and (b) on 22 March 2019.

## Legal Principle(s)

Evidence, which is required to be clear and convincing, can be direct evidence of events, or may be of evidential inferences that can be properly drawn from other direct evidence.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNICEF

Case Number(s)

UNDT/NBI/2019/62

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

31 Dec 2020

Duty Judge

Judge Belle

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Sexual harassment

Due process

Standard of proof

Disciplinary cases

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Rules

- Rule 1.2(a)
- Rule 1.2(b)