

2012-UNAT-217, Rahimi

UNAT Held or UNDT Pronouncements

In her appeal, the Appellant contended that the Organisation owed her a duty of care as a result of the actions of its representatives. UNAT noted that the Appellant did not produce any evidence that the invoked injury was the result of negligence or fraud caused by a specific act or omission of the UN or one of its representatives, or of the fact that the Organisation was aware of the fraud prior to the Appellant's allegations. UNAT held that the Appellant's claim for damages could not be entertained as there was no nexus between the fraud and the UN, nor was the Organisation aware of the potential fraud. UNAT further noted that the Appellant never became, nor did she ever have the opportunity to become, a staff member of the Office for the Coordination of Humanitarian Affairs (OCHA) and, consequently, did not have standing to seek protection from the UN system of administration of justice. UNAT held that UNDT correctly determined that the Appellant did not identify any administrative decision by either OCHA or UNFPA that fell within the UNDT jurisdiction. UNAT dismissed the appeal and upheld the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Management Evaluation Unit that the appropriate evaluation group for her cause of action should be UNFPA's management evaluation group, claiming that the Administration was in breach of its duty of care towards her. UNDT dismissed her application.

Legal Principle(s)

An organisation is liable for the consequences of its unlawful decisions, omissions or negligence, but an individual must produce sufficient evidence of a nexus between an alleged injury and the organisation's misconduct in order to recover.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Rahimi

Entity

UNFPA

Case Number(s)

2011-227

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Evidence

Production of evidence

Applicable Law

UNAT Statute

- Article 2

Related Judgments and Orders

UNDT/2011/089

2011-UNAT-123