

2012-UNAT-237, Bagula

UNAT Held or UNDT Pronouncements

UNAT held that the complaints against the Appellant were very serious and intolerable for any employer. UNAT held that UNDT had correctly concluded that the case against the Appellant stood substantiated and corroborated and the evidence sufficiently supported the charge of improperly soliciting and receiving money from local people in exchange for their recruitment and service as UN staff. UNAT held that during the teleconference the Appellant had produced two impostors as witnesses, who testified that they had lied to the investigators and made false allegations against the Appellant. UNAT held that the credible and reliable evidence of the witnesses and the contemptuous conduct of the Appellant could only lead to the conclusion that the Appellant was guilty of the charge of soliciting and accepting bribes. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate him from service without notice or compensation in lieu. UNDT found that the evidence sufficiently supported the charges against the Applicant and was credible and properly acted upon. UNDT rejected the application and awarded costs against the Applicant by recommending that the Administration withhold all final entitlements due to him for the purpose of satisfying his legally established obligations. The Applicant appealed.

Legal Principle(s)

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Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Bagula

Entity

MONUC

Case Number(s)

2011-256

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Evidence

Credibility assessment
Termination (of appointment)
Summary dismissal
Applicable Law
Former Staff Rules

- Rule 301.3

Staff Regulations

- Regulation 1.2

Related Judgments and Orders
UNDT/2011/138
2010-UNAT-018