

2018-UNAT-885, Rehman

UNAT Held or UNDT Pronouncements

UNAT held that UNDT erroneously awarded the Appellant moral damages because she did not produce any corroborating evidence to support the contention that harm had occurred. However, UNAT held that the award for moral damages would stand since the Secretary-General had not appealed the UNDT judgment. UNAT held that there is no corroborating evidence to support the Appellant's claim for damages to "restore her professional, physical and emotional suffering" and for "irregularities and ignorance. " The appeal could not succeed on those claims. UNAT also held that a referral for accountability is not appropriate, at least at this stage.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision of OIAI to close the investigation into complaints of harassment, discrimination, and abuse of authority against other staff members. UNDT held that OIAI failed to apply the required reasonable level of care when reviewing and handling the Applicant's complaints. UNDT rescinded the decisions of the Chief of Investigations (COI) of 12 and 14 April 2016 and remanded the Applicant's complaints of 26 January and 21 March 2016 to the Director, OIAI, UNICEF. UNDT ordered that the re-examination be completed within 60 days of the issuance of the judgment and that the COI and Investigation Specialist who had previously handled her complaints be recused from dealing with her case. Moreover, UNDT awarded the Applicant moral damages for her "mental stress and anxiety. "

Legal Principle(s)

There is no legal basis on which compensation can be awarded for a claim when the individual has not produced any supporting evidence.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Rehman

Entity

UNICEF

Case Number(s)

2018-1178

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Evidence of harm

Non-pecuniary (moral) damages

Referral for accountability

Applicable Law

UNDT Statute

- Article 10.5(b)

Related Judgments and Orders

UNDT/2018/039