

# 2021-UNAT-1182, Pierre Paris

## UNAT Held or UNDT Pronouncements

UNAT held that the evidence was clear and convincing that the Appellant was under the influence of alcohol when he got into his car before the accident occurred and that the UNDT erred in concluding otherwise. UNAT held that his conduct was in violation of Staff Regulation 1.2(f) and the MINUSMA Code of Conduct. UNAT held that: there was no evidence on record that the Appellant was authorised to carry his firearm while off-duty; that, on the contrary, the evidence on record showed that normally security guards did not carry their weapons off-duty; and UNDT erred in finding that the charge of carrying a UN-issued weapon while off duty and without authorisation was not substantiated. UNAT held that there was clear and convincing evidence that the Appellant carried his weapon at the time of the accident and that UNDT erred in, inter alia, finding that there was no clear and convincing evidence that the Appellant was in possession of the firearm after having consumed alcohol and that the charge of carrying a service weapon after having consumed alcohol was unsubstantiated. UNAT held that the finding that the Appellant drove under the influence of alcohol while in possession of an unauthorised weapon, together with the offence of travelling without insurance, justified the sanction of dismissal, which was proportionate in the circumstances. UNAT granted the appeal and reversed the UNDT Judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate him from service with compensation in lieu of notice and termination indemnity as a disciplinary sanction for serious misconduct in the form of, inter alia, carrying a UN firearm without proper authorisation while off-duty. UNDT rescinded the contested decision, set aside the sanction and ordered reinstatement or compensation in lieu.

## Legal Principle(s)

Drinking and driving is conduct unbefitting of an international civil servant and is not permitted under the United Nations legal framework.

## Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Pierre Paris

Entity

MINUSMA

Case Number(s)

2020-1488

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2021

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Misuse of or failure to exercise reasonable care in relation to UN property or assets

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Disciplinary sanction

Applicable Law

Other UN issuances (guidelines, policies etc.)

- MINUSMA Code of Conduct
- UN DSS Manual of Instruction on Use of Force Equipment Including Firearms (Firearms Manual)

Staff Regulations

- Regulation 1.2(f)