

2023-UNAT-1398, Sergio Baltazar Arvizú Trevino

UNAT Held or UNDT Pronouncements

The UNAT noted that several months after the Secretary-General had been notified of the Judgment, the only action taken was that some responses had been elicited from four staff members alleged in the complaint to have engaged in misconduct and that “these responses alongside the 22 pages and 18 annexes” to the complaint were under review.

Noting the justification of the Secretary-General for the inaction that in the instant matter, no specific time had been set for execution, the UNAT held that the Administration had not acted as promptly as per the obligations imposed on it, “within a reasonable time”.

The UNAT granted the application, in part, and ordered the Administration to execute Judgment No. 2022-UNAT-1231 within 60 days from the date of receipt of the Judgment by the parties.

Decision Contested or Judgment/Order Appealed

By Judgment No. UNDT/2020/211, the UNDT dismissed the staff member's application challenging the decision not to convene an investigation panel to investigate his harassment complaint. The staff member appealed.

Previous UNAT judgment:

By Judgment No. 2022-UNAT-1231, the UNAT rescinded the decision not to convene an investigation panel and ordered the Secretary-General to conduct a renewed assessment of the staff member’s complaint.

The staff member filed an application for execution of the UNAT Judgment.

Legal Principle(s)

In matters of complaints of prohibited conduct, time is of the essence, thus the Administration is obliged to act promptly and in a fair and impartial manner.

The Administration is under an obligation by law in cases of prohibited conduct to act promptly, fairly and impartially. Where no specific time period has been set for compliance with an order, compliance is required within a reasonable time.

In matters which relate to the execution of judgments of the Appeals Tribunal, time is of the essence. Universally, the enforcement of orders within a reasonable period ensures that trust in and the integrity of the dispute resolution system is retained.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

The UNAT granted the application, in part. The UNAT ordered the Administration to execute Judgment No. 2022-UNAT-1231 within 60 days from the date the present Judgment has been served on the parties.

Full judgment

[Full judgment](#)

Applicants/Appellants

Sergio Baltazar Arvizú Trevino

Entity

UNJSPF

Case Number(s)

2022-1747

Tribunal

UNAT

Registry

New York

Date of Judgement

5 Dec 2023

President Judge

Judge Sandhu

Judge Forbang

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Execution of Judgment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

UNAT RoP

- Article 27

UNAT Statute

- Article 11.4

Related Judgments and Orders

2021-UNAT-1171

2010-UNAT-059

2022-UNAT-1231