

# **2024-UNAT-1409, Lillian Ular**

## **UNAT Held or UNDT Pronouncements**

The UNAT held that the former staff member failed to provide evidence to prove entitlement to compensation for harm suffered. In particular, the UNAT found that no evidence was submitted proving a nexus between the illegality committed and any harm suffered by the former staff member as a result. The UNAT highlighted that the medical report submitted by the former staff member recorded that she had complained of lack of sleep and headaches “for several years” and that such symptoms were consistent with a previous diagnosed medical condition.

As to the costs of the appeal, since there was no abuse of process before the UNAT, it found that there was therefore no basis on which to justify an award of costs.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2023/001.

## **Decision Contested or Judgment/Order Appealed**

The Appellant, a former staff member with the United Nations Organization Stabilization Mission in Democratic Republic of the Congo (MONUSCO) contested several decisions of the Administration, including the mishandling of a complaint of sexual harassment. In its Judgment No. UNDT/2020/221, the UNDT found that the Administration abused its authority in mishandling her sexual harassment complaint but rejected her request for moral damages in this regard.

The former staff member appealed, seeking, *inter alia*, an award of damages. In its Judgment No. 2022-UNAT-1212, the UNAT granted her appeal in part and remanded the specific issue of compensation for harm to the UNDT for reconsideration.

In its Judgment No. UNDT/2023/001, the UNDT rejected the former staff member’s application for consideration of moral damages.

Former staff member appealed.

## Legal Principle(s)

Three elements must be proved in order for compensation for harm to be awarded to a staff member, namely: (i) an illegality; (ii) the harm itself; and (iii) a nexus between these two requirements. The claimant bears an additional burden to adduce sufficient evidence to prove that the illegality caused moral injury or harm that should be compensated.

Compensation must be determined following a principled approach and on a case-by-case basis.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Lillian Ular

## Entity

MONUSCO

## Case Number(s)

2023-1790

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

9 Apr 2024

## President Judge

Judge Savage

Judge Gao

Judge Sandhu

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Compensation

Evidence of harm

Non-pecuniary (moral) damages

Procedure (first instance and UNAT)

Oral hearings

## Applicable Law

GA Resolutions

- A/RES/69/203

UNAT Statute

- Article 2.1
- Article 9.1(a)
- Article 9.2

## UNDT Statute

- Article 8.3
- Article 10.5(b)

## UNAT RoP

- Article 18.1

## Related Judgments and Orders

UNDT/2020/221

2022-UNAT-1212

UNDT/2023/001

2017-UNAT-712

2018-UNAT-874

2021-UNAT-1095

2017-UNAT-742

2018-UNAT-873

2022-UNAT-1228

2020-UNAT-1001