

UNDT/2024/073, Castelli

UNAT Held or UNDT Pronouncements

Regarding the first contested decision, the Tribunal held that the right to know the contents of the report, although summarised, is implicit in the right of a staff member to complain against third persons (right already acknowledged in *Belkhabbaz*, UNDT/2021/047 at para. 21) because this right includes the right to know the reasons for which the Administration did not punish the accused person.

The Tribunal, therefore, concluded that the Applicant had a right to receive the report in full, with reasonable redactions, from the Administration. Therefore, the claim in question was granted.

In relation to the second contested decision, the Tribunal indicated that an examination of the facts showed that relevant facts, in the instant case, were not adequately considered. Accordingly, the contested decision to close the investigation was rescinded for being unlawful.

In view of the foregoing, the application was granted and the challenged decisions were rescinded.

Decision Contested or Judgment/Order Appealed

The Applicant contested two decisions:

- a. The decision to not disclose to him the investigation report of the fact-finding panel convened to assess his complaint against the Principal Coordinator Officer ("PCO"), UNIFIL ("first contested decision"); and
- b. The decision to close his complaint against the PCO, UNIFIL, based on the findings of the Panel's investigation report ("second contested decision").

Legal Principle(s)

Pursuant to the settled jurisprudence of the Tribunal, a decision requiring the Organization to inform the aggrieved individual of the final action taken on a complaint should seek to strike a balance between the right of an aggrieved individual, the right to privacy of the alleged offender and the need for sensitivity and confidentiality of the process.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Castelli

Entity

UNIFIL

Case Number(s)

UNDT/NBI/2024/035

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Oct 2024

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reasons

Fact-finding investigation

Scope of investigation

Administrative decision

Investigation

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB/2019/8

Related Judgments and Orders

2017-UNAT-733

UNDT/2023/130

UNDT/2021/047

2015-UNAT-572

2016-UNAT-662

2023-UNAT-1343

UNDT/2010/015