

UNDT/2024/091, Ngueto

UNAT Held or UNDT Pronouncements

The Tribunal DECIDES that the Application is rejected.

Decision Contested or Judgment/Order Appealed

The Respondent's 17 August 2023 decision to enter the Applicant's name into the ClearCheck database.

Legal Principle(s)

ClearCheck Factsheet, the database records, inter alia, “[i]ndividuals against whom allegations of SH [sexual harassment], while in service of an entity, were substantiated following an investigation and a disciplinary process.” and “[i]ndividuals who resigned or separated from a UN entity, while being the subject of a pending investigation and/or disciplinary process for SH.”

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ngueto

Entity

UNHCR

Case Number(s)

UNDT/NBI/2023/078

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

5 Nov 2024

Duty Judge

Judge Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Sexual harassment

Proportionality of sanction

Disciplinary matters / misconduct

Applicable Law

Secretary-General's bulletins

- ST/SGB/2019/8

Laws of other entities (rules, regulations etc.)

- UNHCR/HCP/2014/4
- UNHCR/AI/2018/18 (Administrative Instruction on Misconduct and the Disciplinary Process)

Staff Rules

- Rule 10.2(a)