

2025-UNAT-1550, Reza Kavosh

UNAT Held or UNDT Pronouncements

The UNAT affirmed the UNDT's decision to dismiss the former staff member's request for anonymity, as he had ignored the deadline set by the UNDT in an Order.

The UNAT found that the former staff member committed sexual exploitation by engaging in a romantic and sexual relationship with a vulnerable refugee, who put herself in danger in engaging in a premarital relationship with him. He abused his position of trust by promising to marry her to persuade her to have sexual relations with him. When she pushed him about his promises, he threatened her with an investigation that could result in the cancellation of her family's refugee status and damage their reputation. The UNAT held that the UNDT reasonably found that: i) the Complainant's testimony was credible and corroborated by WhatsApp messages and explicit video recordings; ii) she had the status of a refugee with UNHCR and the former staff member was aware of it.

The UNAT held that the former staff member committed sexual harassment by sharing a sexually explicit book, The Sex Bible, with his colleagues on WhatsApp while serving as the Acting Head of the Sub-Office. It held that the motives behind the complaint or the existence of interpersonal conflicts were irrelevant to this conclusion.

It also concluded that he misused UNHCR-issued equipment by receiving and storing sexually explicit material in his UNHCR-issued mobile phone and failed to fully cooperate with the investigation by deleting 989 files from his UNHCR laptop and providing untruthful statements to the investigators.

It held that there was no evidence the investigation was biased or that he was denied a right to a fair hearing and that the sanction imposed was proportionate.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2024/020.

Decision Contested or Judgment/Order Appealed

A former staff member of the United Nations High Commissioner for Refugees (UNHCR) contested the decision to impose on him the disciplinary measure of dismissal for sexual exploitation, sexual harassment, breach of UNHCR rules on the use of Information Technology (IT), and failure to cooperate in an investigation.

In its Judgment No. UNDT/2024/020, the UNDT dismissed the staff member's application, finding that the contested decision was lawful.

Former staff member appealed.

Legal Principle(s)

The UNDT has broad discretion with respect to case management. As the court of first instance, the UNDT is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and do justice to the parties. The UNAT will not interfere lightly with the broad discretion of the UNDT in the management of cases.

In disciplinary cases, the UNDT will examine the following: i) whether the facts on which the disciplinary measure is based have been established (by a preponderance of evidence, but where termination is a possible sanction, the facts must be established by clear and convincing evidence); ii) whether the established facts amount to misconduct; iii) whether the sanction is proportionate to the offence; and iv) whether the staff member's due process rights were respected.

The Administration has the burden of establishing the facts underlying the alleged misconduct resulting in termination or separation from employment. These facts must be established by clear and convincing evidence. Clear and convincing proof requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt; it means that the truth of the facts asserted is highly probable. To meet this standard, there must be very solid support for the finding including direct evidence of events or evidential inferences that can be properly drawn from other direct evidence.

The onus of showing improper motive rests on the party asserting it.

The question of whether to call a certain person to testify is within the discretion of the UNDT and does not merit a reversal except in clear cases of denial of due

process of law affecting the right to produce evidence.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Reza Kavosh

Entity

UNHCR

Case Number(s)

2024-1933

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Jul 2025

President Judge

Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Misuse of information and communication technology resources

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

Sexual exploitation and abuse

Sexual harassment

Anonymous statements

Case management

Confidentiality

Disciplinary matters / misconduct

Evidence

Procedure (first instance and UNAT)

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNHCR/HCP/2014/4

Secretary-General's bulletins

- ST/SGB/2003/13

Staff Regulations

- Regulation 1.2(b)

Staff Rules

- Rule 1.2(c)
- Rule 1.2(e)

UNAT RoP

- Article 18.1

UNDT Statute

- Article 11.1

Laws of other entities (rules, regulations etc.)

- UNHCR/AI/2019/13 (Administrative Instruction on End User Computing)

Related Judgments and Orders

UNDT/2024/020

2022-UNAT-1309

2020-UNAT-981

2010-UNAT-062

2016-UNAT-694

2013-UNAT-354

2024-UNAT-1449

2022-UNAT-1259

2011-UNAT-164

2017-UNAT-776

2022-UNAT-1187

2020-UNAT-1033

2019-UNAT-972

2015-UNAT-597