

Judgment No. 2019-UNAT-899



Counsel for Appellant: Amer Abu-K alaf! "#\$A

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6. #n 16 June 2018! t e UN%OA . - spute Tr- bunal - ssted judgment and found t at t e
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deteriorated due to the emotional harm caused by the hearing (see: panel's comments and the respondent's submissions). As our first request, we request the Appeals Tribunal to award the maximum possible compensation for the serious moral damages in the amount of: 5 years' net base salary of 1 US\$ 4,884.

9. The applicant further argues that the presented evidence of the UN/OA. That the respondent was subjected to managerial harassment and abuse of power and requested the UN/OA. That the respondent refer the case to the Commissioner-General for Accountability. The respondent failed to refer the respondent's request to the respondent's request.

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10. The Commissioner-General requests the Appeals Tribunal

16. The Commissioner-General argues that * r. As our adm- ts - n - s
- s appl- & - on and - s barred from do- ng so forrste- me on appeal. * r. As our adm- ts - n - s

process: as anticipated by the regular terms and basis of the order of reassignment of the duties on not to select Mr. As our for the post of. 3CA+, .

The amount of in-lieu compensation

18. Mr. As our contests the amount of the in-lieu compensation granted by the UN/OA. The Tribunal found that the failure to add an error of law or of fact leading to a manifestly unreasonable decision in this respect.

18. The Tribunal settled the purpose of the compensation to place the staff member in the same position he or she could have been in had the organization complied with the

THE UNITED NATIONS APPEALS TRIBUNAL

burden of proof to establish the existence of negative consequences, unable to be considered damages resulting from the illegalities on a sufficient basis. Pursuant to the above, the Tribunal is of the view that the armaments used by the administrative and military elements of the institution are not elements of the institution's responsibility for the illegalities and can be declared but not compensated.¹⁶

62. The Commission's report appears to have been some flawed information. As our control of blood sugar levels between 6 September 2011 and 19 September 2011, the time lapse since the 11 September 2011 intervention is as long enough to establish that the illegalities to which the applicant was subjected were due to the fact that he had already had diabetes leading to the operation on his abdomen. As our report alone. Therefore, the Commission's interpretation of the reports needed to have been corroborated by additional evidence.

66. In respect of the fact that the applicant's appeal was not considered, the Commission requested the applicant to present sufficient evidence, nor presented the evidence itself before the UNAOA. The Commission's failure to do so is a failure to provide sufficient evidence of an armament resulting from the impugned decision.

64. On the other hand, no error in the UNAOA's judgment is apparent.

Referral for accountability) Abuse of process

6; The Commission's failure to refer the matter to the Commission-General for action to enforce accountability: that is to end the practice against people of the patronage system, the program and to improve the recruitment process.

6B. The Commission's failure apart from the fact that the applicant did not see/ a referral in his application before the UNAOA. The previous decisions regarding the previous submissions of alleged practices against the Commission-General, the program do not fall into the

¹² * *ihai v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-824, para. 21; and *Chiatto v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-840, paras. 6795 (q30794s) 431] TJC/ R14 9.96840B ac%ccNN

scope of the present case and therefore should not be dealt with in this Judgment. * oreo(er!
despite the fact that * r. As our referred to - s on- ss- ons - n t e or- g- nal appl- & t- on before
the UN%OA . T and attached them as an annex to - s a

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