



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2022-UNAT-1268

**Leila Gharagozloo Pakkala
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before:	Judge John Raymond Murphy, Presiding Judge Dimitrios Raikos Judge Martha Halfeld
Case No.:	2021-1597
Date of Decision:	1 July 2022
Date of Publication:	19 August 2022
Registrar:	Weicheng Lin

Counsel for Appellant:	Monika Ona Bileris
Counsel for Respondent:	Francisca Lagos Pola

8. On 10 January 2019, OIAI informed Ms. Pakkala that she was the subject of an investigation into allegations of harassment and abuse of authority. She was interviewed on 6 February 2019 regarding these allegations and was invited to submit any additional information afterwards, which she did on 17 March 2019.

9. On 23 July 2019, OIAI issued its Investigation Report setting out the results of not only the investigation into the initial two complaints but also several others, which were received during the course of interviews from other UNICEF staff members.

10. On 22 October 2019, the Director, Division of Human Resources (DHR), UNICEF informed Ms. Pakkala that she was being charged with harassment and abuse of authority regarding her treatment of staff members.² The charge letter referred to complaints from 11 different staff members who reported to Ms. Pakkala. In particular, the charge letter stated:

Specifically, it is alleged that you engaged in a pattern of behaviour that included directing disrespectful and humiliating remarks towards [the staff members who had made the complaints], intimidating them, demeaning them and creating a hostile work environment. Furthermore, as a manager and supervisor, you were not seen to consistently serve as a role model and meet the special obligation to uphold the highest standards of conduct.

11. The charge letter gave Ms. Pakkala 14 days to submit further evidence in response, which she did via counsel on 20 November 2019. In her 21-page response letter, counsel for Ms. Pakkala *inter alia* argued the following:³

The manner in which the OIAI investigation was conducted, charges levied, and Ms. Pakkala informed of said charges resulted in a denial [of] due process. Additionally, there were numerous procedural irregularities with regard to the investigation, subsequent OIAI Report, and resulting charge letter. The decision was based on omissions of fact and erroneous conclusions, and the evidence does not support any finding of misconduct. ... The investigation Report should be rendered null and void,

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accountable for creating a workplace culture that is caring and respectful toward all staff. Regretfully, I have concluded that you have not consistently made this a priority.

... I am therefore satisfied that your conduct warrants the issuance of a Written Reprimand. In addition, I have decided to take additional administrative measures. You will be removed from all supervisory functions for a period of two (2) years from receipt of this letter and you will be required to undertake appropriate training geared to enhancing self-awareness and improving your people management competence.

... This Reprimand shall be placed in your Official Status File, where it shall remain for a period of five (5) years. You may submit any comments you may have on the report and/or on the reprimand within 15 calendar days. Your comments will be placed in your File with this Reprimand.

13. On 20 January 2020, Ms. Pakkala submitted her comments on the administrative measures. She followed up with an application at the UNDT on 20 March 2020 challenging the decision of the Organization to impose the above administrative measures (the contested decision). (shal)-2t

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Submissions

Ms. Pakkala's Appeal

21. Ms. Pakkala first submits that the

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