



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2015-UNAT-519

Ivanov
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT



Counsel for Appellant: Joseph Grinblat

Counsel for Respondent: Amy Wood

JUDGE DEBORAH THOMAS -FELIX , PRESIDING .

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Mr. Serguey Ivanov against Judgment No. UNDT/2014/022, rendered by the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in New York on 25 February 2014 in the case of *Ivanov v. Secretary-General of the United Nations*. Mr. Ivanov appealed on 25 March 2014, and the Secretary-General answered on 23 May 2014.

Facts and Procedure

2. The following facts are uncontested:¹

... [Mr. Ivanov] contests the decision of the Under-Secretary-General (“USG”), Department of Economic and Social Affairs (“DESA”), dated 28 February 2011, not to take further action in response to his complaint of harassment and abuse of authority, including his refusal to provide him a copy of the investigation report. The decision was made following the finding made by the Investigation Panel appointed by the USG/DESA that the alleged harasser “may not necessarily be in breach” of the Secretary-General’s bulletin ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority).

[...]

... On 12 April 2010, [Mr. Ivanov] submitted via email a letter entitled “Work Place Harassment” and requested “that appropriate action should be taken to prevent any further recurrence of this harassment, and to compensate [him] for [his]

THE UNITED NATIONS APPEALS TRIBUNAL

Considerations

15. The procedure to be adopted after a formal complaint or report has been received on issues of workplace harassment is clearly outlined in Secretary-General's Bulletin ST/SGB/2008/5.

16. This procedure provides, *inter alia*, for the appointment of a fact-finding panel into the allegations; the said panel is mandated to prepare a detailed report and submit this report to the responsible official normally within a period of three months.

17. Section 5.18(a) of ST/SGB/2008/5 clearly provides that if the findings of the report concluded that no prohibited conduct took place the case is closed. The responsible official is duty bound in such a case to inform the alleged offender and the aggrieved individual of the outcome by giving them a summary of the findings and conclusions of the investigation. Such a summary was provided to Mr. Ivanov.

18. The matter is a closed matter and Mr. Ivanov has not presented any cogent argument to show that there are exceptional circumstances which might otherwise have entitled him to the investigation report. In those circumstances, Mr. Ivanov is not entitled to receive a detailed copy of the investigation report.

19. There is no evidence to support Mr. Ivanov's arguments that the UNDT erred on questions of law and fact; as a result, Mr. Ivanov's request for redress and compensation is rejected.

Judgment

20.

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2015-UNAT-519