



UNITED NATIONS MISDEMEANOR TRIBUNAL

Case No.: UNDT/GVA/2015/002/R1

File No.: UNDT/2015/112

Ref:

Reg:

Reg:

1A. 7n 10 /e"tem1e& 201=' t3o 7A8/ \$n0est\$gato&s (ad a "(one %on0e&sat\$on 3\$t(t(e A""#\$%ant to %a&\$f! t(e \$nfo&mat\$on s(e "o0\$ded \$n (e& %om"#a\$nts aga\$nst' inter alia' 6 &s. C. T(e A""#\$%ant %onf\$&med t(at a## t(e \$nstan%es s(e des%&\$led \$n (e& %om"#a\$nts aga\$nst (e& fo&me& %o##eagues' \$n%#ud\$ng 6 &s. C.' o%u&&ed "\$so& to 22 /e"tem1e& 2013. T(e A""#\$%ant 3as ad0\$sed t(at t(e 7A8/ \$n0est\$gato&s 3ou#d &e%ommend t(e D\$&e%to& of 7A8/ to %ose t(e %ase.

1?. 7n 12 /e"tem1e& 201=' 7A8/ fo&ma##! %used t(e A""#\$%ant2s %ase aga\$nst 6 &s. C. 8n \$ts C#osu&e Note' 7A8/ %on%#uded t(at t(e %om"#a\$nt aga\$nst 6 &s. C. 3as \$&e%e0a1#e as t(e \$n%\$dents des%&\$led 1! t(e A""#\$%ant fe## out\$de t(e 6*mont(t\$me #m\$t set fo&t(\$n t(e 2013 UN,PA Po#\$% ! on Ea&assment' /e@ua# Ea&assment and A1use of Aut(o&\$t!)-t(e Po#\$% !.+ and (e& a##egat\$ons of 1u##!\$ng and (a&assment -4d\$d5 not fa## 3\$t(\$n t(e s%o"e of "o(\$1\$ted %ondu%t and 4d\$d5 not' "\$sma fa%\$e' meet t(e &easona1#e t(&es(o#d #e0e# fo& m\$s%ondu%t..

19. ! ema\$# of 16 /e"tem1e& 201=' t(e A""#\$%ant 3as not\$f\$ed t(at 7A8/ 3ou#d not 1e #aun%(\$ng an \$n0est\$gat\$on \$nto (e& -%om"#a\$nts of (a&assment' 1u##!\$ng and a1use of aut(o&\$t! aga\$nst 12 staff mem1e&s at P/ .' s\$ne 7A8/ (ad -%on%#uded \$ts "e#m\$na&! &e0\$e3 of t(e matte& and 4(ad5 found t(at a fu## \$n0est\$gat\$on 43as5 not 3a&&anted.' t(e&efo&e %ons\$de&\$ng t(e matte& -%used..

20. ! ema\$# of 22 7%to1e& 201=' t(e A""#\$%ant su1m\$tted a &e:uest fo& management e0a#uat\$on aga\$nst 7A8/2s de%\$s\$on not to #aun%(an \$n0est\$gat\$on \$nto 6 &s. C.2s 1e(a0\$ou&. / (e &e%e0ed a &e"#! to (e& &e:uest on 31 7%to1e& 201= f&om t(e C@e%ut\$0e D\$&e%to&' UN,PA' 1! 3(\$%(s(e 3as not\$f\$ed t(at 7A8/

1.

offenses 30 < eno&onment. 8t \$n%#udes (a&assment 1ased on an!
g&ounds' su% (as &a%e' &e#\$g\$on' %o#o&' %&eed' et(n\$% o&\$g\$n' "(!s\$a#
att&\$lutes' gende& o& se@ua# o&\$entat\$on. 8t %an \$n%#ude a one t\$me
\$n%\$dent o& a se&ses of \$n%\$dents. Ea&assment ma! 1e de#\$1e&ate'
unso#\$%\$ted and %oe&%\$0e.

=.1.2. T(e me&e e@"&esson of d\$sag&eement' admon\$(ment'
%&\$t\$%\$sm o& s\$m\$#a& e@"&esson\$ de&g&d\$ng 3o&< "e&fo&man%e'
%ondu%t o& &e#ated \$ssues 3\$t(\$n a su"e&O\$so&! &e#at\$ons("\$" s(a## not
no&ma##! 1e %ons\$ded&ed (a&assment 3\$t(\$n t(e mean\$ng of t(\$s
do%ument.

26. T(e Po#\$%! estal#\$(es an \$nfo&ma# and a fo&ma# "&o%ess fo& dea#\$ng 3\$t(
%om"#a\$nts f#\$ed unde& \$t)see se%. 6 of t(e Po#\$%!+. As to t(e fo&ma# "&o%ess'
se%. 6.2 "&oO\$des t(atF

Pe&sonne# 3(o 1e#\$e0e t(at t(e! 3e&e su1>e%t to Ea&assment'
/e@ua# Ea&assment o& A1use of Aut(o&\$t! ma! su1m\$t a %om"#a\$nt
to t(e D\$&e%to&' D\$O\$ss\$on fo& 70e&sg(t /e&O\$%es)-D7 / .+' a##eg\$ng
t(at t(e! a&e o& 3e&e t(e O\$t\$m of Ea&assment' /e@ua# Ea&assment
o& A1use of Aut(o&\$t!. /e%t\$on 9 "&oO\$des fu&t(e& deta\$#s on t(e
,o&ma# P&o%ess.

2A. D\$(&ega&d to se%. 9)- ,o&ma# P&o%ess.+ of t(e Po#\$%! ' \$ts &e#e0ant "a&ts fo&
t(e "&esent %ase &ead as fo##o 3sf

9. Formal Process

9.1. An! Pe&sonne# and/o& fo&me& Pe&sonne# ma! f#\$e a
%om"#a\$nt of Ea&assment' /e@ua# Ea&assment o& A1use of
Aut(o&\$t! 3\$t(t(e D\$&e%to&' D7 /.

9.2. /(ou#d t(e D\$&e%to&' D7 /' dete&m\$ne t(at t(e matte& ma!
a""&o"&\$ate#! 1e dea#t 3\$t(t(&oug(an \$nfo&ma# "&o%ess' (e o& s(e
ma! &efe& t(e matte& to t(e D\$&e%to&' DER' fo& an attem"t at t(e
\$nfo&ma# &eso#ut\$on of t(e d\$s"ute' "&oO\$ded t(e %om"#a\$nant (as
g\$0en (\$s/(e& %onsent to su%(&efe&&a#.

9.3. Time limits

A " "ant 3as " #aed on / ; D , P on 23 / e "temle& 2013 and t(at s(e ne0e& &etuned to 3o&< afte&3a&ds. T(e&e \$s no \$nd\$%at\$on t(at t(e A " " # \$ % ant (ad an! %ontat 3 \$t(6 &s. C. afte& 22 / e "temle& 2013. AIsent an! e@tens\$on of t\$me g&anted 1! t(e D&e%to&' 7A8/' t(e T&\$1una# %annot 1ut %onf&\$m 7A8/2s %on%#us\$on t(at t(e A " " # \$ % ant2s %om" #a\$nts aga\$nst 6 &s. C.' as e@&essed \$n (e& su1m\$ss\$ons of 2? and 22 August 201=' 3e&e t\$me*1a&&ed "u&suant to se%. 9.3.1 and' t(e&efo&e' \$&&e%e\$0a1#e unde& se%. 9.5.1 of t(e Po#%\$!.

29. T(e T&\$1una# notes t(at t(e A " " # \$ % ant2s %om" #a\$nt to t(e D7 / f&aud (ot# \$ne on 1? Ju#! 2013 (as no \$m" a%t on t(e &e%e\$0a1\$#t! of (e& %om" #a\$nt aga\$nst 6 &s. C. , \$&st#!' \$t a " " e&as t(at t(\$s %om" #a\$nt 3as of a gene&a# natu&e' name#! a1out -some 3o&< "o1#ems.' and d&d not s"e%\$f\$%a##! ment\$on 6 &s. C. /e%ond#!' \$t d&d not meet t(e &e:u&\$ements of a fo&ma# %om" #a\$nt unde& se%. 9.=.1 of t(e Po#%\$!' 3(\$% (&e:u&\$es' inter alia' t(at a fo&ma# %om" #a\$nt 1e made \$n 3&st\$ng to t(e D&e%to&' 7A8/' and state t(e \$dent\$t! of t(e a##eged offend&. T(\$&d#!' t(e &e%e\$0a1\$#t! of ea% (%om" #a\$nt must 1e assessed \$nd\$O\$dua##!. A %om" #a\$nt t(at (as 1een %used does not sus"end t(e t\$me # \$m\$t to su1m\$t futt(e& fo&ma# %om" #a\$nts.

Sufficienc! of the allegations to initiate an in"estigation

30. 8t \$s 3e## estal#s(ed t(at -4a5s a gene&a# " &\$n%\$ " #e' t(e \$n0est\$gat\$on of d\$s%\$ " # \$na&! % (a&ges aga\$nst a staff m7.86652(a)-4653(f)2.5788(1.4466653(n)6653(d)9.69849()-1

eam\$ne 3(et(e& t(e a""#%a1#e "&o%edu&e 3as fo##o3ed' 3(et(e& 7A8/
%omm\$tted a mansfest e&&&& \$n t(e e@e&%\$se of \$ts dss%&et\$on' and 3(et(e& t(e
de%ss\$on not to \$nstate t(e \$nOest\$gat\$on 3as ta\$nted 1! u#te&\$o& mot\$Oes)Staedtler
UNDT/201=/123' "a&a. 60+.

32.

The Tribunal finds that the 7A8/ C#osu&e Note' t(ese %om"#a\$nts essent\$a##! %onta\$ n Oague and gene&a# a##egat\$ons attest\$ng of a d\$ff\$%u#t \$nte&"e&sona# &e#at\$ons("\$ 1et3een t(e A""#\$%ant and 6 &s. C.' 3 (\$% (a&e not su\$stant\$ated ! an! s"e%\$f\$% facts. Des"ste 7A8/2s effo&ts to o\$ta\$n %a&\$f\$%at\$ons f&om t(e A""#\$%ant on (e& a##egat\$ons' t(ese &ema\$ned unsu\$stant\$ated.

35. As to t(e t3o \$n%\$dents \$n0o#0\$ng 6 &s. C.' \$t a""eas t(at t(e A""#\$%ant &e" &oa% (es 6 &s. C. toF

a. not (a0e s(o3ed t(e A""#\$%ant su""o&t 3(en s(e &e"o&ted t(at s(e d&an< 3ate& f&om a tea <ett#e t(at a##eged# ! %onta\$ned a%\$dB and

1. (a0e sa\$d to 6 &s. I. t(at (e& 1\$% !%#e 3ou#d not (a0e 1een sto#en \$f \$t d\$d not (a0e a Russ\$an name.

36. T(e T&\$1una# &e%a##s t(at \$n a%o&dand%e 3\$t(se%. 9.= of t(e Po#\$% !' \$t \$s a staff mem1e&2s &es"ons\$1\$#\$t! to su\$stant\$ate a %om"#a\$nt to 7A8/ 3\$t(a so#\$d des%&\$"t\$on of t(e fa%tua# %\$&%umstan'es' to a##o3 t(e \$n0est\$gato& to (a0e a %#ea&

Conclusion

39. In accordance with the findings of the Tribunal, the DCC/DC/F

The above findings are set out in the attached annex.

)Signed-

Judge Teresa Aho

Dated the 19th day of August 2016

Entered in the Register on the 19th day of August 2016

)Signed-

Renée Vanegas, Registrar General