

UNITED N

14. The Applicant's claim is based on the fact that the Respondent's actions were arbitrary and unreasonable.

20. On 11 January 2013 the Applicant submitted a request to the Tribunal for the appointment of an independent expert to assess the management of the UN Trust Funds for Africa (TFA) and the UN Trust Fund for West and Central Africa (UNTF-WCA) in light of the findings of the 2012 Report of the Independent Panel of Experts (IPE) on the UN Trust Funds for Africa and the UN Trust Fund for West and Central Africa.

The IPE report of 2012 on the management of the UN Trust Funds for Africa and the UN Trust Fund for West and Central Africa (IPE Report) contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report.

A. The IPE Report of 2012 on the management of the UN Trust Funds for Africa and the UN Trust Fund for West and Central Africa (IPE Report) contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report.

B. The IPE Report of 2012 on the management of the UN Trust Funds for Africa and the UN Trust Fund for West and Central Africa (IPE Report) contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report.

C. The IPE Report of 2012 on the management of the UN Trust Funds for Africa and the UN Trust Fund for West and Central Africa (IPE Report) contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report.

21. On 10 January 2013 the Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report. The Tribunal found that the Applicant's request was admissible and that it was in the interests of justice to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report. The Tribunal appointed the Independent Panel of Experts (IPE) to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report. The IPE Report of 2012 on the management of the TFA and the UNTF-WCA contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report.

22. The Tribunal's Office of Internal Oversight Services (OIOS) conducted an investigation into the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report. The OIOS report of 2013 on the management of the TFA and the UNTF-WCA contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the OIOS report. The Tribunal found that the Applicant's request was admissible and that it was in the interests of justice to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the OIOS report. The Tribunal appointed the Independent Panel of Experts (IPE) to assess the management of the TFA and the UNTF-WCA in light of the findings of the OIOS report. The IPE Report of 2012 on the management of the TFA and the UNTF-WCA contains a number of recommendations for the improvement of the management of the TFA and the UNTF-WCA. The Applicant requested the Tribunal to appoint an independent expert to assess the management of the TFA and the UNTF-WCA in light of the findings of the IPE Report.

24. On 15 July 2013 the A! "#\$ant's le5uest for management e2a"uat#on of the 27e'&ua&8 2013 de\$#s#on of the Ct #s Off#Se 4 as found not to 'e &e#2a'"e. The A! "#\$ant f#"ed an a! "#\$at#on 4#t t e T&#'una" 4 # \$ \$ a""enged% inter alia% the de\$#s#on of the Ct #s Off#Se *t e -Ct #s \$ase3,.

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3>. In Wasserstrom *2014+UNAT+456, the A!lea's T&# 'una" Sons#de&ed t

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42. (o4e2e& #n Nwuke UNAT a"so noted t at -.#/n t e ma?o&#t8 of \$ases% not unde&taA#ng a &e5uested #n2est#gat#on #nto a""eged m#s\$ondu\$t 4#" not affe\$t d#&e\$t'8 t e &#g ts of t e \$"a#mant% 'e\$ause a !oss#' 'e d#s\$#!"#na&8 !&o\$edu&e 4ou"d \$on\$e&n t e &#g ts of t e a\$\$used staff mem 'e&3 and t at -a staff mem 'e& as no &#g t to \$om!e" t e Adm#n#st&at#on to \$ondu\$t an #n2est#gat#on un'ess su\$ &#g t #s g&anted '8 t e 9egu"at#ons and 9u'es3.

43. T e &e\$e#2a'#"#t8 of an a!!"#Sat#on aga#nst an 010) de\$#s#on de!ends u"t#mate'8 on 4 at #s !&esented to 010) fo& #n2est#gat#on and 4 at t e A!!"#Sant seeAs to \$ a""enge 'efo&e t e T&# 'una".

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4<. T e 010) de\$#s#on not to #n2est#gate t at !a&t \$on\$e&n t e #nte&ests of t e 0&gan#sat#on and !otent#a""8 t e &#g ts of an8 a\$\$used staff mem 'e&s% #t does not and \$annot affe\$t t e &#g ts of t e A!!"#Sant. An8 #m!a\$t of t e #n2est#gat#on &e5uested '8 t e A!!"#Sant 4ou"d a2e 'een on a t #&d !a&t8% not on #m.

46. T e T&# 'una" f#nds t at 4 ate2e& t e out\$ome of t e de\$#s#on of 010) on !a&t A of t e A!!"#Sant:s &e!o&t% #t 4ou"d not a2e affe\$ted #s te&ms o& \$ont&a\$t of em!"o8ment. T e&fo&e% t e se\$t#on of t e a!!"#Sat#on \$ a""eng#ng 010) de\$#s#on not to #n2est#gate !a&t A of t e A!!"#Sant:s &e!o&t #s not &e\$e#2a'"e" ratione materiae.

4>. >#sf 4 278.3508a9 ()-5.808"50] TJD/R r "1 4 9

Preliminary Issues

54. In a submission to the Tribunal dated 21 August 2014, the Applicant asserted that the following issues should be considered in relation to the Tribunal's decision.

Merits

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4. The Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations *A/59/60*, of 10 February 2004

59. Concerning 010) response to !acts = and C of t e A!!"#Sant:s &e!o&t! t e memorandum of 25 B&\$ 2013 demonstrates t at 010) on t e 'as#s of t e a2a#"a 'e do\$umentat#on% dete&m#ned t at t e matte& 4ou"d 'e 'est and"ed '8 UN+ (a '#tat and &efe&&ed t e A!!"#Sant:s &e!o&t! to t at agen\$8.

60. T e 5uest#on fo& t e T&#'una" #s 4 et e& 010) \$omm#tted a man#fest e&&o& #n t e e;e&\$#se of #ts d#s\$&et#on.

61. T e 010) Banua" states #n se\$. 3.2.2 t at -&efe&&a"s \$ommon"8 o\$\$u& fo& matte&s &e"ated to !e&fo&man\$e and d#sag&reement o2e& adm#n#st&at#2e de\$#s#ons3.

62. Pa&ts = *Ba"+#ntended &e\$&u#tment, and C *B#s\$ondu\$t of su!e&2#so&, of t e A!!"#Sant:s &e!o&t! 4as \$om!&#sed of a""egat#ons t at \$on\$e&ned !e&fo&man\$e e2a"uat#on and management% se!a&at#on/non+&ene4a" and a""egat#ons of \$onst&u\$t#2e d#sm#ssa". Ca\$ of t ese \$an 'e !&o!e&"8 \$atego&#sed as -matte&s &e"ated to !e&fo&man\$e and d#sag&reement o2e& adm#n#st&at#2e de\$#s#ons3.

63. T e T&#'una" \$on\$#udes t at t e 010) de\$#s#on not to #n2est#gate t e A!!"#Sant:s \$om!"a#nt 'ut to &efe& #t to UN+ (a '#tat 4as #n a\$\$o&dan\$e 4#t #ts adm#n#st&at#2e gu#de"#nes and 4as a "eg#t#mate e;e&\$#se of #ts d#s\$&et#on.

64. T e T&#'una" f#nds t at t e&e #s no e2#den\$e to su!!o&t t e A!!"#Sant:s a""egat#on t at t e de\$#s#on made '8 010) I afte& #s se!a&at#on f&om se&2#se I 4as a&' #t&a&8 and \$a!&#s#ous% t at #t 4as an attem!t to \$o2e& u! 4&ongdo#ng 4#t #n t e 0&gan#sat#on% o&t at #t d#d o& \$ou"d amount to &eta"#at#on aga#nst #m.

65. In #s a!!"#Sant#on to t e T&#'una"% t e A!!"#Sant a"so \$"a#med t at 010) d#d not !&o2#de #m 4#t t e &e5u#s#te #nfo&mat#on and !&o2#ded m#s#ead#ng #nfo&mat#on. T e T&#'una" f#nds t at t ese \$"a#ms do not \$onst#tute se!a&ate adm#n#st&at#2e de\$#s#ons 4 #s \$an 'e \$ons#de&ed '8 t e T&#'una" #nde!endent"8 of t e su'stant#2e \$"a#m& o4e2e&& t e8 \$an 'e &a#sed #n#\$denta""8 to assess t e !&o\$edu&a" &egu#a&#t8 of t e \$ontested adm#n#st&at#2e de\$#s#on not to #n2est#gate #s &e!o&t! #nto !acts = and C.

66. The alleged misreading of information referred to in paragraph 4 of the 2010) decision of 11 June 2013 arising from the fact that the respondent failed to disclose and to attend to the information from updates on the outcome of the investigation.

66. Under section 3.1.4 of the 2010) Banua - Complaints and Victims

.../n8 source of information loss in the misconduct and damage to the victims should be informed that the 2010) mandate does not include assistance to victims of forced prostitution and that the "lessons" learned must be addressed to the

