

&#(o# to a dete#m(nat(on "e(ng made on *%et%e# to #e1uest (ssuan!e
of a &ass.

<a0(ng sa(d t%at\$ t%e#e (s no (ntent(on to (n an2 *a2 #est#(!t 2ou#
a"('t2 to ente# t%e +e!#eta#(at *%en 2ou #e1u(#e to do so. ;n t%(s
#ega#d\$ as to 2ou# a&&o(ntments *(t% t%e 8 ed(!a' +e#0(!e\$ *e fee'
t%at t%e 8 ed(!a' +e#0(!e s%ou'd "e a""e to ma7e an a##angement to
g#ant 2ou an a! !ess to t%e &#em(ses. Ae a#e t#2(ng to !onf(#m t%(s
*(t% t%e 8 ed(!a' +e#0(!e.

; a'so unde#stand t%at 2ou a#e (n t%e &#o!ess of ma7(ng an

10. >2 ema(' of 15 8 a2 2014 unde# t%e su"le!t -#e!uest fo# 'ega' ass(stan!e B U4GJNT.\$ t%e A&&'(!ant #e!uested f#om t%e J9e!ut(Oe D(#e!to# , -JD./\$ AJ\$ -'ega' ass(stan!e *(t% t%#ee &end(ng !ases *(!% a#e !u##ent'2 at t%e C 8 anagement JOa'uat(on Un(tD stage and an add(t(ona' t%#ee !ases *(!% Cs%eD (ntendCedD to &u#sue *(t% t%e CAD&&ea's CTD#("una'.\$ add(ng t%at s%e (ntended to f('e -at 'east one add(t(ona' !ase (n #e'at(on to C%e#D se&a#at(on *(!% (s not 2et "efo#e t%e C 8 JU)..

11. n 26 8 a2 2014\$ t%e JD/ AJ #e&'(ed to t%e A&&'(!ant as fo'io*s@

;t *ou'd "e a !onf'(!t of (nte#est fo# +)A to ad0(se o# #e&#esent 2ou.

;n #es&onse to one of 2ou# &#e0(ous #e!uests fo# +)A #e&#esentat(on\$ (t *as suggested 2ou !onta!t 8 #. C E D\$ P#es(dent of t%e C;nte#nat(ona' C#(m(na' T#("una' fo# t%e fo#me# =ugos'a0(a\$ -;CT=.D Asso!(at(on\$ *(t% #es&e!t to pro bono !ounse'. =ou *(' #e!a' t%at m2 off(!e %ad a&&#oa!%ed %(m on a no:name "as(s to see *(et%e# %e m(g%t %e'& se!u#e t%e ass(stan!e of a staff Oo'untee# and %e %ad ad0(sed t%at t%e#e a#e staff mem"e#s Oo'untee#s *(o m(g%t "e a"e to ass(st 2ou. =ou m(g%t a'so *(s% to e9&'o#e *(et%e# an2 of t%e ot%e# UN staff asso!(at(ons *ou'd "e *(('ng and a"e to ass(st 2ou.

12. >2 ema(' of 27 8 a2 2014\$ t%e A&&'(!ant ad0(sed t%e JD/ AJ t%at s%e d(d not ag#ee t%at t%e#e *as a !onf'(!t of (nte#est *(t% #ega#d to %e# #e!uest\$ and t%at s%e *(s%ed to "e &#o(ded *(t% +)A3s '(st of Oo'untee#s as s%e %ad !onta!ted t%e P#es(dent of t%e ;CT= +taff Asso!(at(on (n t%e &ast\$ and %e d(d not %a0e t%e !a&a!(t2 to ass(st.

16. T%e A&&'(!ant3s #e!uest *as fo#*a#ded to t%e C%(ef\$ +)A\$ *(o on 2G 8 a2 2014 (nfo#med t%e A&&'(!ant t%at +)A d(d not %a0e -a 'ong '(st of Oo'untee#s.\$ and t%at -an2 Oo'untee# !ounse' aff'('ated *(t% +)A *ou'd "e !onf'(!ted..

Procedure

14. n 2 June 2014\$ t%e A&&'(!ant #e!uested management e0a'uat(on of t%e de!(s(ons\$ inter alia\$ to den2 %e# 'ega' ass(stan!e as *e' as a!ess to UN <ead!ua#e#s. >2 memo#andum dated 7 Ju'2 2014 f#om t%e C%(ef\$ 8 anagement

J0a'uat(on Un(t ,- 8 JU./\$ t%e A&&'(!ant *as (nfo#med t%at %e# #e1uest *as #e!e(0ed "2 t%e 8 JU on 6 June 2014\$ and t%at (t 'a!7ed !om&eten!e to #e0(e* a de!(s(on to den2 +) A #e&#esentat(on\$ and t%at %e# !%a''enge to a den(a' of a &ass to a! !ess UN <ead1ua#te#s *as t(me:"a##ed and t%us not #e!e(0a''e.

15. n 2 !to"e# 2014\$ t%e A&&'(!ant f('ed %e# a&&'(!at(on *(t% t%e T#("una\$!ontest(ng se0e#a' de!(s(ons. T%e a&&'(!at(on *as deemed (n!om&'ete due to m(ss(ng su&&#t(ng do!uments\$ and t%e A&&'(!ant *as #e1uested to !om&'ete %e# su"m(ss(on\$ *%(!% s%e d(d on 7 No0em"e# 2014\$ stat(ng t%at s%e *(s%ed to !ontest t%e fo'o*(ng de!(s(ons on'2@

1/ +) A/C AJD de!(s(on den2(ng C%e#D 'ega' ass(stan!e and/o# ot%e# &e#t(nent (nfo#mat(on *%(!% !ou'd %a0e su&&#ted C%e#D (n o"ta(n(ng f#ee 'ega' ass(stan!eK

Case No. UNDT/GVA/2014/071

Judgment No. UNDT/2015/046

f(nd(ng a'so a&&'(es to t%e &#esent !ase and t%e A&&'(!ant !annot no*
#e:'(t(gate t%e same (ssue\$ as %e# 8 a2 2014 #e1uest fo# 'ega' ass(stan!e does
not !#eate a ne* !ause of a!t(on s(n!e no ne* fa!ts %a0e eme#ged t%at
*ou'd %a0e e'(m(nated t%e (n%e#ent !onf'(!t of (nte#est "et*een %e# and

27. In that context, the Tribunal ("una' o"se#0es that the tensions "et*een the A&&'(!ant and %e# su&e#(o#s\$ name'2 the C%(ef\$ +)A\$ and the JD/ AJ\$ *e#e stated in e!tenso (n &#e0(ous Iudgments\$ 'ast'2 (n Oummih 2015:UNAT:51?. 5u#t#e#s\$ (t (s esta''(s#ed Iu#(s&#uden!e t%at a't%oug% not unfette#ed\$ +)A %as a !e#ta(n d(s!#et(ona#2 &o*e# (n !%oos(ng to #e&#esent of not staff mem"e#s see7(ng (ts ass(stan!e ,see "taedtler UNDT/2014/127\$ #orsley 2012:UNAT:1GG\$ \$ita UNDT/2010/025/. >ased on t%(s &#(n!(&'e\$ (t fo'o*s t%at a staff mem"e# %as no un!ond(t(ona' #g)t to "e #e&#esented "2 +)A.

2?. The Tribunal ("una' f(nds (t ne!essa#2 to #e!a' t%e s&e!(f(! !(#!umstan!es of t%(s !ase@ t%e#e !an "e no dou"t t%at t%e #e'at(ons%(& "et*een the A&&'(!ant and %e# fo#me# su&e#0(so#s at AJ %as !om&'ete'2 "#o7en do*n. Aga(nst t%(s unfo#tunate "a!7g#ound\$ f#om an o"le!t(0e &o(nt of 0(e*\$ (t !annot "e e9&e!ted to %a0e an2 7(nd of mutua' t#ust "et*een the A&&'(!ant and AJB

61. ;n 0(e* of t%e T#("una'3s !on!'us(on\$ t%e#e (s no need to #u'e on t%e A&&'(!ant3s #e1uest to "e g#anted a!!ess to %e# fo#me# ema(' a!!ount at +)A\$ and on %e# #e1uest fo# !ounse' ass(stan!e (n t%e &#esent &#o!eed(ngs f('ed on 25 8 a2 2015.

62. ;n 0(e* of t%e fo#ego(ng\$ t%e T#("una' DJC;DJ+@

T%e a&&'(!at(on (s #eIe!ted (n (ts ent(#et2.

, "igned/

Judge T%omas)a7e#

Dated t%(s G^{t%} da2 of June 2015

Jnte#ed (n t%e 4eg(ste# on t%(s G^{t%} da2 of June 2015

, "igned/

4enL 8 . Va#gas 8 . \$ 4eg(st#a#\$ Gene0a