

13. On 13 January 2012, a meeting to address the A!!"\$ant-s g&#e(an\$es too%
!"a\$e 4#t t e !a&t#\$#!at#on of t e C #ef' <*' t e C #ef' 9T*' t e C #ef' 9TPU' a
en#o& Auman 9esou&\$es 7ff#\$e&' A9 = '' t4o &e!&esent

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su!e&(#so&' fo& 4 # \$ #t 4as not !oss#)"e to)"ame one s#de ent#&e"+. T ese as!e\$ts
#n\$"uded#

a. T e #nt&odu\$#on of so"#d manage&#a" !&a\$#Ses le.g.' a da#" + \$ e\$%, "#st
fo& #nd#(#dua" measu&ement?' t e&e)+ \$ ang#ng t e :&e"a2#ng and
st&ess,fⅇ s#tuat#on !&e(#ous"+ e2#st#ng #n t e Un#t?

). =od#f#\$at#ons on a soft4a&e used to \$a"\$u"ate !&odu\$#(#t+ 4#t out
!&e(#ous \$onsu"tat#ons 4#t t e team. A"t oug t ese mod#f#\$at#ons 4e&e
not !&o!osed and/o& #nt&odu\$ed)+ t e C #ef' 9PTU'

26. The memorandum dated 14 December 2014 of the Acting Director, Geneva UN7G informed the A! "#\$ant that after the 4th of the Panel's report, the addendum was added to the case file. The 4th addendum was not taken on the grounds that the Panel did not find evidence to support the allegations of harassment and abuse of authority; the addendum mentioned the A! "#\$ant of the report's allegations to focus on the details and instructions issued by the "eta", Geneva and by Jeksu (so-called staff J&K"e 1.21a3);.

20. The A! "#\$ant's subcommittee as a separate memorandum of the same date about the Panel's conclusions and the subsequent decision to the case file was not made. The committee as a subcommittee and the intended to undertake a separate investigation.

2/. The "ema" dated 20 December 2014 of the A! "#\$ant (added to the Acting Director, Geneva UN7G) is a statement of the decision and the "ed into the "ua" and the "en" of the "est"ation. The "Su" "s" is a "ed" "on" "at" the "of" of the "est"ation 4as "!" "a" "ed" and "at" "a" "a" "egat"ions "e" "fo" "t" "e" "most" "!" "not" "addressed".

29. On 11 December 2014 of the A! "#\$ant "ed" an A! "#\$ant " "eng" "t" "e" 14 December 2014 decision. The 4as "sm" "ssed" as "e" "e" "(a)" "e" "fo" "4ant" of management "e" "uat"ion")+ "summa" " "udgment" dated 11 December 2014 (Kostomarov UNDT/2014/02@3).

30. UN7G-2.79219.66653(2).5788(a)6.99TJD-245.51-19472453892(a)-14.3239(t)11.5318(#)

33. A case management discussion was held on 1/ =a+ 2010.

34. .+ 7&de& No. 10@ 1GVA/20103 of 20 =a+ 2010' a"" anne2es to t e 9es!ondent-s &e!"+ f#"ed ex parte 4e&e made a(a#"a)"e to t e A!!"#Sant on an unde& sea")as#s and &eda\$ted as a!!&o!&#ate? t e+ #n\$"uded t e Pane"-s #n(est#gat#on &e!o&t. Cu&t e&mo&e' t e 9es!ondent 4as #nst&u\$ted to !&o(#de add#t#ona" #nfo&mat#on on t e "ega")as#s fo& ent&ust#ng to t e Pane" t e #n(est#gat#on of)ot t e A!!"#Sant-s \$om!"a#nt fo& !&o #)#ted \$ondu\$t unde& *T/*G./200//0' and t at of e& su!e&(#so&. T e 9es!ondent f#"ed #s &es!onse to t #s 7&de& on 2@ =a+ 2010.

30. 7n 1 June 2010' t e A!!"#Sant !&o(#ded \$omments on t e 9es!ondent-s su)m#ss#on of 2@ =a+ 2010' and ad(#sed t at s e no "ong& 4#s ed to \$a"" an+ of t e !&e(#ous"+ &e5uested 4#tnesses.

36. 7n 10 June 2010' and fo""o4#ng #nst&u\$tions de"#(e&ed #n 7&de& No. 114 1GVA/20103 of / June 2010' t e 9es!ondent f#"ed on an unde& sea")as#s a num)e& of \$ommun#\$at#ons)et4een t e Adm#n#st&at#on o& t e Pane" and t e A!!"#Sant o& t e A!!"#Sant-s su!e&(#so&' du&#ng o& !&#o& to t e Pane"-s #n(est#gat#on.

3@. 7n 1@ June 2010' a ea&#ng on t e me&#ts too% !"a\$e' 4#t t e !a&t#\$!at#on!V2.874347()90.87

D#&e\$to&,Gene&a" UN7G' #nd#Sates a m#sunde&stand#ng of t e essent#a" deta#s of t e #n(est#gat#on?

). T e A!!"#Sant as ad se&ous \$onSe&ns a)out t e #m!a&t#a"#t+ of t e #n(est#gat#on f&om t e)eg#nn#ng' due to t e :f&end"+ te&ms;)et4een t e D#&e\$to&' DC=' and e& su!e&(#so&. *ome of t e #nte&na" \$o&&es!ondenSe du&#ng t e !&o\$ess#ng of t e \$om!"a#nt suggests a)#as on t e !a&t of t e off#\$#a"s t at #nte&(ened #n e& \$ase' su\$ as t e ema#" of / June 2012 4 e&e t e C #ef' 9TPU' 4&ote t at a sen#o& off#\$e& of A9=* UN7G' to"d a \$o"eague f&om 7A9 = t at t e A!!"#Sant-s \$ase)o#"ed do4n to a &e'u\$tanSe to !e&fo&m and t e &e!"+ t at t e+ 4ou'd t en not e"! t e A!!"#Sant?

\$. * e 4as ad(#sed to &e,4&#te e& \$om!"a#nt on t e g&ound t at #t d#d not meet t e fo&ma" &e5u#&ements' and t #s e(en t oug *T/*G./200//0 does not !&es&#)e an+ s!e#\$f#\$ fo&mat fo& su\$ \$om!"a#nts?

d. T e #n(est#gat#on fa#"ed to add&ess e& \$o&e a""egat#ons &e"at#ng to t e aut o&#ta&#an management st+"e of t e C #ef' 9TPU' 4#t t e su!!o&t of t e C #ef' 9T*. T e &e\$od of t e A!!"#Sant-s #nte&(e4s d#d not &ef"eSt e& ans4e&s as t e+ om#tted o& m#s5uoted man+ of e& statements. T e Pane" t&ansm#tted su\$ &e\$ods to t e A!!"#Sant fo& \$omments on"+ #2 mont s afte& t e #nte&(e4s too% !"a\$. T e do\$uments !&odu\$ed)+ t e A!!"#Sant to t e Pane" 4e&e not e(en &eg#st&ed. T e 4#tnesses 4e&e not 5uest#oned at a"" on a&assment' and do\$umenta&+ e(#denSe t at t e A!!"#Sant !&o(#ded 4as not e(en ment#oned #n e& #nte&(e4 o& &e"#ed u!on #n &ea\$ #ng \$on\$"us#ons. =an+ of t e f#nd#ngs &ea\$ ed 4e&e not)a\$%ed)+ e(#denSe?

e. A"t oug t e 7>7* =anua" of >n(est#gat#on P&a\$#\$es and Po"##\$es #s not mandat&+' a\$So&d#ng to #ts fo&e4o&d :#t #s #ntended to)e used as a !&a\$#Sa" gu#de)+ t e Un#ted Nat#ons staff mem)e&s &es!ons#)"e fo& \$ondu\$#ng #nte&na" !&e"#m#na&+ faSt,f#nd#ng adm#n#st&at#(e #n(est#gat#ons;. >n an+ e(ent' t e \$o&&eSt &eg#st&at#on and #n(ento&+ of e(#denSe #s a)as#\$!&a\$#Se #n #n(est#gat#ons \$ondu\$ted #n good fa#t ' a"" t e mo&e afte& t e A!!"#Sant e2!"#\$#"+ &e5uested so?

g. Nonet e'ess' t e Pane"-s &e!o&t #nd#\$ated t at t e&

o. The Administration did not assign the Applicant on 11 June 2012 on the recommendation of the =ed#a" *e&(#e *e\$ton' UN7G' and pursuant to se\$. 0.9 of *T/*G./200//0' 4#t t e a#m of a!eas#ng t e \$onf"#St and "essen#ng t e A!!"#Sant-s !otent#a" a&m. The#fo&e' s e suffe&ed no a&m due to t e "engt of t e #n(est#gat#on' no&)e\$ause of t e de\$s#on to \$"ose t e \$ase o&t e a""eged #m!&o!e& and"#ng of e& \$om!"a#nt.

Subject-matter and scope of the judicial review

41. According to art. 2.11a3 of the #ts *tatute' t e T&#)una" #s \$om!etent to e2am#ne t e "a4fu"ness of adm#n#st&at#(e de\$s#ons e2\$us#(e"+. T e adm#n#st&at#(e de\$s#on !&esent"+ unde& s\$&ut#n+ #s t at to ta%e no fu&t e& a\$tonGt at #s'

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Some of the information contained in this document is confidential and its disclosure to the public would be prejudicial to the national security of the State.

- a. The name of the alleged offender?
 - b. Date and location of the alleged offence?
 - c. Description of the alleged offence?
 - d. Names of witnesses, if any?
 - e. Names of persons who are alleged to be involved in the offence, if any?
 - f. Any other relevant information, including documents and evidence, and
 - g. Date of submission and signature of the aggrieved individual.
04. The Applicant's email address is (m)-08573(t)087304.28 T f D12.5039 0 T d D [(T)-7

...ingness to discuss the alleged matters with the staff. The email further noted that the Applicant's ongoing relationship with the respondent is ongoing off-site. The Chief of TPU's letter to the immediate supervisor; against the staff's admission that she used of "lies and defamation and "to include that a message asserted that the Applicant had engaged in unet "sa") email had been sent to a "eagles" as well as to A9 = * and the Director's DC = ' and also that upon the Applicant's return from a temporary assignment, the staff (including the staff) announced that she would be: as met with; (S, I, (S the Applicant).

00. As a matter of fact, the memorandum of the Chief of TPU's consisting of a letter to the staff and four outtakes as well as the staff and staff. It is noted to one source of the Applicant's staff (including the staff) of false statements to the Geneva Assemblies' standards for the staff and staff.

Misuse and abuse of procedure

61. *T/*G . /200//0 4as !&omu" gated to address (e&+ s!e\$#f#\$ %#nds of \$ondu\$t'

the essence of the provisions of a negative of the A!!"-s' as such. To the extent that the provisions are intended as a :ounte,,"a#m; to the A!!"-s' Som!"a#nt.

66. From the moment of the Som!"a#nt's 4e&e merged in one same (est#gat#on' the !&oSedu&e turned from one tendency to send "g t #nto some g#(en a""egat#ons' into one o!!osing t4o Sont&ad#Sto&+ a""egat#ons. 7t e&4#se said' t e d+nam#s\$ of the (est#gat#on s #fted from #n5u#s#to&#a" to ad(e&sa&#a". From then on' t e (est#gat#(e &e!o&t d#s\$"oses t at t e (est#gat#on 4as d#(e&t&d from t e tas% of e2am#n#ng t e a\$tua" A!!"-s' Som!"a#nt to an #n5u#&+ #nto t e Som!"a#nt.

6@.

Incomplete disclosure of the allegations against the Applicant

10. The Commission of the African Union (AU) states that the following information was submitted to the AU Human Rights Commission; and the Commission, in its report of 16 November 2012, stated that the Panel members omitted an effective remedy to the Commission; as the defendant failed to submit, in support of the defence, any evidence to the Commission.

a. Assessment and use of automaticity of the AU Commission and

b. Cases of alleged violations of the AU Human Rights Commission.

11. The Commission's report of 12 December 2012 of the AU Commission (A/C.H.R./UNHCR) to the AU Human Rights Commission (the Panel) noted that the Panel of the same date (4 December) of the Panel informed the Commission and the defendant of its findings and stated that the defendant's allegations of violations of the Commission's findings to be addressed during the defence. The findings were based on the Commission's allegations against the defendant's findings of fact.

A!!"#Sant-s a""egat#ons 4e&e e2!"a#ned and d#s\$ussed at "engt ? #n fa\$t' t &ee da+s afte& t e C #ef' 9TPU' "odged e& \$om!"a#nt aga#nst t e A!!"#Sant.

@/. A"so' #t #s 5u#te a!!a&ent f&om e& ans4e&s 4 en #nte&(#e4ed)+ t e Pane" t at t e C #ef' 9TPU' 4as fu""+ a\$5ua#nted #n ad(an\$e 4#t t e a\$\$usat#ons aga#nst e&? #ndeed' #t #s st&#%#ng t at t e Pane" as%ed on"+ one su)stant#(e 5uest#on to t e A!!"#Sant-s su!e&(#sok' to 4 #S s e ga(e su\$ a d#s\$u&s#(e &es!onse t at #t f#""ed fou& !ages #n t e #nte&(#e4 &e\$&d !&e!a&ed)+ t e Pane" #n\$ud#ng t e !&odu\$t#on of not "ess t an fou& su!!o&t#ng do\$uments t at t e C #ef' 9TPU' ad ostens#)+ !&#nted)efo&e and and ta%en to t e #nte&(#e4.

@9. Aen\$e' t e "a\$% of not#f#\$at#on to t e A!!"#Sant of t e a""egat#ons aga#nst e& #s \$om!ounded)+ t e fa\$t t at' afte& t e Adm#n#st&at#on ad' #m!&o!e&"+ \$on(e&t&d t e !&o\$edu&e #n an ad(e&sa&#a" one' #t fa#"ed to ensu&e t e e5ua"#t+ of a&ms)et4een t e t4o \$on\$e&ned staff mem)e&s. T #s

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times! an fo& an #n(est#gat#on' t e T&#)una" a\$%no4"edges t at t e #n(est#gat#on
as)een \$om!"e2 and "a)o&#ous. .e #t as #t ma+' t #s does not' #n an+ e(ent'
a\$\$ount fo& t e o(e& 12 mont s s!ent at ot e& stages of t e !&o\$edu&' #n\$"ud#ng
&e(#e4#ng t e A!!"#\$ant-s f#&st \$om!"a#nt and ad(#s#ng e& t at #t d#d not meet
fo&ma" &e5u#&ements.

93. T e T&#)una" #s sat#sf#ed t at t e Adm#n#st&at#on #n\$u&&ed #n una\$\$e!ta)"e
de"a+s at a"most e(e&+ stage of t e !&o\$ess#ng of t e A!!"#\$ant-s \$om!"a#nt' 4#t
no o& no &easona)"e e2!"anat#on fo& t em' #n (#o"at#on of se\$. 0.3' 0.14 and 0.1@ of
*T/*G . /200//0.

%emedies

94. Aa(#ng found t at t e !&o\$edu&e "ead#ng to t e #m!ugned de\$\$s#on 4as
ma&&ed 4#t a num)e& of fundamenta" f"a4s' and st&ess#ng t at man+ of t em
\$on\$e&n t e (e&+ foundat#ons of t e &eg#me set #n *T/*G . /200//0' t e T&#)una"
f#nds t at t e&e as)een a m#s\$a&&#age of !&o\$ess #n t e !&esent \$ase. >n (#e4 of
t at' t e \$ontested de\$\$s#on must)e &es\$#nded and t e #n(est#gat#on set as#de.

90. T e T&#)una" fu&t e& o"ds t at t e A!!"#\$ant as susta#ned s#gn#f#\$ant mo&a"
damage &esu"t#ng f&om t e \$ontested de\$\$s#on.

96.

d. The amount shall be paid within 60 days from the date of this Judgment