

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. !" a##\$&at'ion %\$ed on 16 D16 D '-3720927 .9 60221(4)99 60221(2n)7.864(1)-0n1

matte(to t*e Dis#ute T(%' una\$ o((e&ons%de(at%on 0so t*at t*e a##%&at%on ma" 'e
&ons%de(ed 5%t* t*e 'ene %t o t*e u\$\$; A82 (e&o(d1.

-. !" ; (de(No. 131 +GVA/2016. o 1- June 2016) t*e T(%' una\$ o(de(ed t*e
Res#ondent to %\$e t*e ; A82 C\$osu(e Note ' " 24 June 2016) and t*e A##%&ant to

Hearing

11. Given that the present case is as amended in the Annexes to the
Sect. 11 of the T(una) to consider the ; A2

16. ; n - June 2014) t*e A##\$&ant sent an ema\$ to t*e C*e o 8n3est%gat%ons)
; A82) UN/PA) &om#\$a%ng a 'out a\$\$eged *a(assment aga%nst *e(and unet*%&a\$
'e*a3%ou(' " 6 (s. 7.) and as>ng o(an %n3est%gat%on %nto *e(&om#\$a%nt.

1@. !" ema\$ o 23 Ju\$" 2014) t*e A##\$&ant add(essed to an 8n3est%gat%ons

T(' una\$ so t*at t*e a##\$&at%on ma" ' e &ons%de(ed 5%t* t*e ' ene %t
o t*e u\$\$; A82 (e&o(d. De \$ea3e %t to t*e dis&(et%on o t*e Dis#ute
T(' una\$ as to *o5 %t 5%\$*es to a&&ess t*e (e\$e3ant %n o(mat%on.

2-. Ga3%ng (e3%e5ed t*e ; A82 C\$osu(e Note and %ts eA*% ' %ts) t*e T(' una\$ 5 %\$\$
eAam%ne 5 *et*e(t*e de&%s%on o ; A82 not to #u(sue an %n3est%gation %nto t*e
A##\$%&ant4s &om#\$a%nt o(m%\$&ondu&t aga%nst 6(s. 7. &om#\$%ed 5%t* t*e Po\$%&")
as d%(e&tad ' " t*e A##ea\$s T(' una\$. /o(t*e sa>e o

20. The PoS&" esta ' \$s*es an %n o(ma\$ and a o(ma\$ #(o&ess o(dea\$ing 5%t*
&om#\$a%nts %\$ed unde(%t +see se&. 6 o t*e PoS&".. As to t*e o(ma\$ #(o&ess)
se&. 6.2 #(o3%des t*atH

Pe(sonne\$ 5 *o 'e\$%e3e t*at t*e" 5e(e su' ?e&t to Ga(assment)
2eAua\$ Ga(assment o(A 'use o Aut*o(%t" ma" su' m%t a &om#\$a%nt
to t*e D%(e&to) D%3%\$ion o(; 3e(s%g*t 2e(3%&es +0D ; 21.) a\$\$eg%ng
t*at t*e" a(e o(5e(e t*e 3%t%im o Ga(assment) 2eAua\$ Ga(assment
o(A 'use o Aut*o(%t". 2e&t%on < #(o3%des u(t*e(deta%ss on t*e
/o(ma\$ P(o&ess.

28. D%t* (ega(d to se&. < +0/o(ma\$ P(o&ess1. o t*e PoS&") %ts (e\$e3ant #a(ts o(
t*e #(esent &ase (ead as o\$\$o5 sH

31. The Applicant submitted evidence (including a complaint against 6 (s. 7. to ; A82 on - June 2014) and submitted it on 13 July 2014. As evidenced above ; A82 found that the incidents involving 6 (s. 7.) described in the Applicant's evidence (documents and observations 5 ; A82) occurred prior to 22 February 2013. The Commission has indeed found in the Applicant's evidence (observations 5 ; A82) investigated on 10 February 2014) and accordingly the fact that the Applicant was issued on 2-D/P on 23 February 2013 and that she received (returned to 5) a telephone. The evidence is no indication that the Applicant had an contact 5 ; A82) 6 (s. 7. a telephone 22 February 2013. A statement attention of the (dated in the D(e)to ; A82) the T('una) cannot put on (m ; A82) as Commission that the Applicant's complaint against 6

34. In the instant case) it was 'een esta'ised t*at ; A82 (e3e5ed t*e A##\$&ant4s &om#Sa%nt aga%nst 6 (s. 7.) as 5e\$\$ as t*e do&uments atta&*ed t*e(eto. ; A82 %n3est%gato(s a\$so &onta&t&ted t*e A##\$&ant ' " #*one on 10 2e#tem'e(2014 to get u(t*e(%n o(mat%on and &Sa(%&at%ons %n (es#e&t o *e(&om#Sa%nt.

3-. In %ts #(e\$m%na(" assessment) ; A82 &on&\$uded as o\$\$o5sh

/(om ; A824 (e3e5 o Et*e A##\$&antF4s e%g*t %nd%3%dua\$ &om#Sa%nts o 'u\$\$"%ng and *(a(assment aga%nst *e(o(me(P2! &o\$\$eagues and t*e su##o(t%ng %n o(mat%on s*e #(o3%ded) ; A82 ound t*at Et*e A##\$&antF4s #(ma(" &on&(n 5as t*e \$a&> o

30. The same words used in the Applicant's allegations in (es#e&t o d&s&(m&nato(" (ema(>s made ' " 6 (s. 7. The Applicant me(e\$" states t*at 6 (s. 7. Ed&s&ussedF nationa&t&es toget*e(5&t* ot*e(team mem'e(s +&n&\$ud&ng Russ&ans.1) and also discussed the meaning of Russian words and made Applicant's witness statement in Russian and Portuguese. Den as>ed to (o3&de eAm#&es o d&s&(m&nato(" &omments) t*e Applicant (e e((ed to t*e stoen ' &"&se &n&dent (e&ated &n t*e ; A&2 C&osu(e Note) 5*%&* d&d not &n3o&\$3e an" (ema(> made ' " 6 (s. 7..

38. The Tribunal (e&a&ss t*at &n a&&o(dan&e 5&t* se&. <.4 o t*e Po&\$&") &t &s a sta mem'e(4s (es#ons' &\$&t" to su'stantiate a Applicant to ; A&2 5&t* a so&d des&(m&tion o t*e a&tua& &(umstan&es) to a&so&5 t*e &n3est&igato(to *a&3e a &\$ea(#&t&tu(e o t*e a&seged &n&dent+s.. The sta mem'e(s*a&ss &\$ea(\$" &dent& " 5*o 5e(e t*e #eo#&e &n3o&\$3ed) 5*e(e) 5*en and *o5 t*e e&ents too> #&a&e) and &n 5*%&* 5a" t*e" a e&t&ed t*e sta mem'e(4s 5o(>&ng en3&(onment o(t*e sta mem'e(4s (&g*ts.

3<. The Tribunal finds t*at ; A&2 #(o#e(\$" eAe(&sed &ts d&s&(et&on &n &on&\$ud&ng t*at t*e Applicant's allegations against 6 (s. 7. 5e(e &nsu &ent to a&ss 5&t* &n t*e s&o#e o t*e de &n&t&on o *a&(assment and to prima facie esta'&\$s* m&s&ondu&t. The &n&dents (e#o(ted ' " t*e Applicant a'out t*e #a"ment o &n3o&es and &onta&ts 5&t* su##&e(s (e &e&t d&3e&(g&ng 3&e5s 'et5een t*e Applicant's witness statement

Conclusion

41. In 2015, the Commission found that the T(una) DCC8DC2H

The Commission's (e)ted n ts ent(et".

+Signed.

Judge Te(esa !(a3o

Dated t*s 1<^{t*} da" o August 2016

Conte(ed n t*e Registe(on t*s 1<^{t*} da" o August 2016

+Signed.

RenK 6. Va(gas 6.) Regist(a() Gene3a