

APPEALS TRIBUNAL  
TRIBUNAL D 'APPEL DES NATIONS UNIES

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Case

**Bagula**



**JUDGE KAMALJIT SINGH GAREWAL**, Presiding.

1. The United Nations Appeals Tribunal (Appeals Tribunal) is seized of an appeal filed by Mr. Norbert Bagula against Judgment No. UNDT/2011/138 rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi on 2 August 2011 in the case of *Norbert Bagula v. Secretary-General of the United Nations*. Mr. Bagula appealed on 3 September 2011, and the Secretary-General answered on 5 December 2011.

### **Synopsis**

2. The Appellant was charged with improperly soliciting and receiving money from local citizens in exchange for their initial recruitment and continued service as United Nations staff in the Democratic Republic of Congo (DRC). He received fair treatment in the proceedings before the Joint Disciplinary Committee (JDC).

3. After the JDC report was accepted by the Secretary-General and he was separated from service under Staff Rule 110.3(a)(vii), the Appellant challenged this decision before the UNDT where witnesses were called and he received the full opportunity to cross-examine them. The UNDT found that the case against the Appellant stood substantiated and corroborated and that the evidence sufficiently supported the charges. We find no reason to disagree. The appeal is dismissed.

### **Facts and Procedure**

4. Mr. Bagula joined the United Nations Observation Mission in the Democratic Republic of Congo (MONUC) in Bukavu in February 2002 as a Casual Daily Worker. In September 2004, Mr. Bagula was appointed as a Warehouse Worker at the G-2 level.

5. On 12 November 2007, Mr. Bagula was charged with improperly soliciting and receiving monies from local citizens in exchange for their initial recruitment and continued service in the Organization.

6. On 27 June 2008, the Assistant Secretary-General for Human Resources Management formally referred Mr. Bagula's case to the JDC. On 9 October 2008, the JDC issued its report wherein it found that Mr. Bagula had more likely than not engaged in taking payment from local

citizens in exchange for, or with the promise of, securing them jobs. The JDC unanimously

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than two and a half years. The complainants who had paid Mr. Bagula money in exchange for jobs were all casual daily workers like the Appellant.

19. Investigations were ordered into the complaints and led to the issuance of a report dated 5 June 2006 recommending action against the Appellant and other MONUC staff members. A second investigation report dated 12 July 2006 was also filed recommending action solely against the Appellant.

20. The Appellant was subsequently charged with improperly soliciting and receiving money from local citizens in exchange for their initial recruitment and continued service as United Nations staff. He was also charged with violation of Staff Regulation 1.2 and Staff Rule 301.3.

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Original and Authoritative Version: English

Dated this 29<sup>th</sup> day of June 2012 in Geneva, Switzerland.

*(Signed)*

Judge Garewal, Presiding

*(Signed)*

Judge Weinberg de Roca

*(Signed)*

Judge Courtial

Entered in the Register on this 12<sup>th</sup> day of September 2012 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar