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1. The Secretary-General of the United Nations has appealed against Judgment No. UNDT/2019/188 by which the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) partially granted an application filed by Ms. Melanne Civic, a former staff member of the United Nations Mission in Liberia (UNMIL), awarding compensation for non-pecuniary damages.

2. In turn, Ms. Civic has cross-appealed against the UNDT Judgment, to the extent that it dismissed her claim of compensation for pecuniary damage (loss of opportunity).

3. On appeal, the United Nations Appeals Tribunal (Appeals Tribunal) dismisses both appeal and cross-appeal and affirms the UNDT decision.

4. Ms. Civic joined UNMIL in 2015 as D-1 Senior Advisor to the Special Representative of the Secretary-General (SRSG) and

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12. On 1 May 2018, Ms. Civic

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assigning her new tasks, and by reversing the threat of separation and keeping her in service even after the Mission's mandate had ended. In these actions, the Secretary-General acted exactly as the Appeals Tribunal had instructed he should have acted in *Kallon*.

23. Indeed, one of the witnesses on behalf of Ms. Civic, identified in the Judgment as Ms. X, testified that Ms. Civic's wellbeing improved after the protective measures had been put into place. Consequently, the UNDT was wrong to hold that the Secretary-General's response had not addressed the injury to Ms. Civic's dignity. The UNDT's holding would, effectively, create a "strict liability" regime in which injuries to the dignity of staff members cannot be subsequently remedied by the Organization consistent with the policy prescribed for such remedial action. The Appeals Tribunal should, therefore, reverse the Judgment and find that the Organization is

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Judgment, the matter is not about whether the Organization discharged its duties toward an applicant who suffered from a retaliatory administrative decision; rather, the matter is about whether there would

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31. The UNDT correctly evaluated the evidence when establishing that Ms. Civic's *dignitas* suffered; in particular the UNDT did not have to rely on "proper medical evidence" when establishing the existence and scope of moral damages.

32. Contrary to the Secretary-General's submissions, the UNDT was not wrong to hold that due to retaliatory measures Ms. Civic's *dignitas* had suffered and that this harm needed to be accordingly compensated. The UNDT based its findings on Ms. Civic's testimony corroborated by independent evidence of three witnesses whose testimony and credibility were never contested by the Secretary-General during the proceedings before the UNDT. In such circumstances, as correctly established by UNDT, any expert opinion was not necessary as superfluous.

33. There is no merit in the Secretary-General's contention that exclusively medical expert opinion and medical documentation can constitute an

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requested additional evidence. Allowing the Secretary-General to

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Organization for longer periods of time. Indeed, Ms. Civic's search for a new position was made in the midst of the downsizing and closure of several missions. She held a fixed-term appointment and had been in the service of the Organization for just over two years. Her length of service with the Organization is not typical of staff members at the D-1 level. Because of the seniority of D-1 staff members, many D-1 level staff members have been in the service of the Organization for many years, and often hold permanent or continuing appointments. In light of the advantages that Staff Rule 9.6(e) provides to staff members holding permanent or continuing appointments and the advantage that Staff Rule 9.6(e) provides to staff members who have been in the service of the Organization for a long time, the UNDT's holding that Ms. Civic's short term of service and fixed-term appointment disadvantaged her did

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and Discipline Team.³ According to the same report, her FRO at the time had engaged in retaliatory acts against Ms. Civic, namely:⁴

56. Based on these findings, the Office of Human Resources decided to initiate a disciplinary process against the FRO. Since he had separated from the Organization effective 1 April 2018 and was not willing to participate in the process, a note of the Ethics Office's fin

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62. It is true that, having joined UNMIL in

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illegal situation. Once acknowledging this typicity, it would have been incumbent upon the opposing party to provide counterevidence. This did not occur, since the Secretary-General did not request expertise to be called. Therefore, the UNDT found that Ms. Civic had discharged herself of her burden.

77. Furthermore, when it comes to compensation for such harm, the current state of the Appeals Tribunal's jurisprudence is that corroborating evidence, other than the staff member

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have resulted from the implementation of the protective measures, from July 2017 onwards, although there is no direct evidence of this causal relationship. Although this improvement may impact on the amount of compensation, it does not eliminate the Organization's liability deriving from the moral harm which had already been caused by the illegality.

79. The UNDT was thus correct when it was satisfied that, *on the basis of the testimony adduced before it*, as a result of the illegal decisions of the Administration, Ms. Civic experienced "insult to her *dignitas*, humiliation before her colleagues, including subordinates, impossibility to fully utilise her qualifications, and insecurity of her job. This led to disappointment, demoralization and anxiety, and had a negative impact on her physical health. These constitute compensable non-pecuniary

