

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'

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

34. On 7 December No. 10 of 1GVA/20103 of 20 =a+ 2010' a" annexes to the 9es!ondent-s &e!"+ f"ed ex parte 4e&e made a(a#"a)"e to the 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. On 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. On 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@. On 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#\$ates a m#sunde&stand#ng of t e essent#a"
deta#s of t e #n(est#gat#on?

).

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. Thefo&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 contrary to the public interest.

- 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 signing of the second letter of objection to the Chief TP's letter to the immediate supervisor; against the staff's reading of the advertisement of "lies and defamation" and "odious" that a message asserted that the Applicant had engaged in unethical behavior (the advertisement was sent to all "eagles" as well as to A9 and the Director of DC and also that upon the Applicant's return from a leave, the "eagle" would announce it) that the advertisement: as met with (S, I, (S) the Applicant.

00. As a matter of fact the memorandum to the Chief TP's signing of the advertisement and the outburst of the advertisement and the advertisement intended to one side of the Applicant's signature (so the signed to the false statements to the Geneva Assemblies) standards for the sessions and the

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 a result. 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! !os#ng t4o \$ont&ad#\$to&+ a""egat#ons. 7t e&4#se sa#d' 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\$ua" A!!"-s' Som!"a#nt to an #n5u#&+ #nto t e Som!"a#nt.

6@.

Incomplete disclosure of the allegations against the Applicant

40. The Commission of the European Communities (the Commission) has found that the applicant failed to disclose fully the allegations against it in its application for a writ of habeas corpus. The Commission found that the applicant failed to disclose fully the allegations against it in its application for a writ of habeas corpus. The Commission found that the applicant failed to disclose fully the allegations against it in its application for a writ of habeas corpus.

a. Assessment and use of automaticity of the Commission's findings and

b. Case law on the Commission's findings.

41. The Commission found that the applicant failed to disclose fully the allegations against it in its application for a writ of habeas corpus. The Commission found that the applicant failed to disclose fully the allegations against it in its application for a writ of habeas corpus. The Commission found that the applicant failed to disclose fully the allegations against it in its application for a writ of habeas corpus.

Panel's findings in paragraph one of its conclusions as follows: "The Panel is satisfied that the 2014 memorandum of Understanding between the Government of the Democratic Republic of the Congo and the International Labour Organization is not a binding agreement; that the Government should

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&ed 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\$&&#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