



## **Introduction**

1. On 5 February 2020, the Applicant appealed the Administration's decision not to take any action following her report of abuse of authority concerning a United Nations Children's Fund ("UNICEF") official. The Applicant requested damages and the referral of several UNICEF officials for accountability.

2. The Respondent replied on 6 March 2020 stating, *inter alia*, that the application was not receivable *ratione materiae* because the Administration had rescinded the contested administrative decision in favor of the Applicant.

3. For the reasons stated below, the Tribunal grants the application in part.

4. On 29 September 2020, the Applicant filed a request for leave to amend the application and include additional submissions on damages and request for accountability of UNICEF officials. The Respondent opposed this request.

## **Relevant Facts**

5. On 4 July 2018, the Applicant filed a report of misconduct under UNICEF's

that the allegations concerned a UNICEF official under the supervision of UNICEF's Executive Director, EOSG would not be taking any further action and OIOS would not investigate the complaint. In light of this information, OIAI concluded that it was unlikely that the complaint would result in any disciplinary action and decided not to investigate the matter.

8. On 3 October 2019, the Applicant requested management evaluation of the decision not to take any action on her complaint of abuse of authority.

9. On 7 November 2019, UNICEF's Deputy Executive Director, Management, *ad interim*, informed the Applicant that her complaint had been remanded to OIAI for a "new and thorough assessment" by officials other than those who had originally handled the matter. The Applicant was also awarded a one-month net salary payment in compensation for OIAI's undue delay in handling her complaint.

### **Consideration**

The 25 September 2019 decision not to







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Applicant's complaint of abuse of authority against [a UNICEF official] is rejected as non-receivable;

37. The Applicant's request for compensation is rejected;

38. The Applicant's request for the referral of UNICEF's Executive Director for accountability is rejected;

39. The Tribunal refers the Chief of Investigation of OIAI to the Secretary-General for possible action to enforce accountability pursuant to art. 10.8 of the Tribunal's Statute.

(Signed)

Judge Joelle Adda

Dated this 21<sup>st</sup> day of December 2020

Entered in the Register on this 21<sup>st</sup> day of December 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York