

Introduction

1. The Applicant, a former staff member of the United Nations High

4. On 5 December 2005, the Assistant Programme Officer, at the request of the Associate Protection Officer and the then-Officer-in-Charge, took over the receipt of spare parts for water equipment, a Toyota Land Crui

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16. On 24 June 2009, the Applicant was informed that his case would be transferred to the United Nations Dispute Tribunal (UNDT) as of 1 July 2009 in

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standard of proof in a case of misconduct is “adequate evidence in support of its conclusion and recommendations” (see former UNAT Judgment No. 1022, *Araim*, and No. 484, *Omosola*), which state that once a *prima facie* case of misconduct is established, the staff member must provide satisfactory proof justifying the conduct in question.

30. Based on the report estab

35. In the course of the hearing held on 28 January and 16 February 2010, the Applicant confirmed that he did not steal the printer.

36. The Applicant called one witness, Mr. "T", Telecom Operator at the FOJ, who confirmed the Applicant's allegations. The witness added that no items were missing and indicated that no item can leave the premises without a gate pass. He did not find evidence that the bar coded printer in question had been authorized to leave the UNHCR premises.

37. Counsel for the Respondent called two witnesses, namely the UNHCR driver, Mr "X", and a Field Assistant, Mr. "Y". In their oral testimonies, both witnesses corroborated their written statements to the IGO.

38. The second witness, Mr. "Y", Field Assistant testified regarding a laptop, which is not relevant here for the purpose of the present case.

Applicable Legal Principles

39. Former Staff Regulation 1.2 (b) provides that "staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status."

40. Former Staff Regulation 10.2 provides that the "Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory."

41. Former Staff Rule 110.1 defines misconduct as:

"Failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant, may amount to unsatisfactory conduct within the meaning of staff regulation 10.2, leading to the institution

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United Nations Administrative Tribunal (UNAT) held in Judgment No. 1244 (2005), it “has consistently upheld the Secretary-General’s broad discretion in disciplinary matters; specifically, in determining what actions constitute serious misconduct and what attendant disciplinary measures may be imposed”. This discretion is not without limit, however. In Judgment No. 941,

