

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. !" a##\$&at'ion %\$ed on 16 D16 D '-3720927 .9 60221(4)99 60221(2n)7.864(1)-0n1

matte(to t*e Dis#ute T(%' una\$ o((e&ons%de(at%on 0so t*at t*e a##%&at%on ma" 'e
&ons%de(ed 5%t* t*e 'ene %t o t*e u\$\$; A82 (e&o(d1.

-. !" ; (de(No. 131 +GVA/2016. o 1- June 2016) t*e T(%' una\$ o(de(ed t*e
Res#ondent to %\$e t*e ; A82 C\$osu(e Note ' " 24 June 2016) and t*e A##%&ant to

Hearing

11. Given that the present case was amended in the Appeals Tribunal's decision of 12 October 2016, the Tribunal considered the ; A82

16. ; n - June 2014) t*e A##\$&ant sent an ema\$ to t*e C*e o 8n3est%gat%ons)
; A82) UN/PA) &om#\$a%ng a 'out a\$\$eged *a(assment aga%nst *e(and unet*%&a\$
'e*a3%ou(' " 6 (s. 7.) and as>ng o(an %n3est%gat%on %nto *e(&om#\$a%nt.

1@. !" ema\$ o 23 Ju\$" 2014) t*e A##\$&ant add(essed to an 8n3est%gat%ons

T(una\$ so t*at t*e a##\$&at%on ma" 'e &ons%de(ed 5%t* t*e 'ene %t
o t*e u\$\$; A82 (e&o(d. De \$ea3e %t to t*e dis&(et%on o t*e Dis#ute
T(una\$ as to *o5 %t 5%s*es to a&&ess t*e (e\$e3ant %n o(mat%on.

2-. Ga3%ng (e3%e5ed t*e ; A82 C\$osu(e Note and %ts eA*% ' %ts) t*e T(una\$ 5 %\$\$
eAam%ne 5 *et*e(t*e de&%s%on o ; A82 not to #u(sue an %n3est%gation %nto t*e
A##\$%&ant4s &om#\$a%nt o(m%&ondu&t aga%nst 6(s. 7. &om#\$%ed 5%t* t*e Po\$%&")
as d%(e&tad ' " t*e A##ea\$s T(una\$. /o(t*e sa>e o

20. The PoS&" esta ' \$s*es an %n o(ma\$ and a o(ma\$ #(o&ess o(dea\$ing 5%t*
&om#\$a%nts %\$ed unde(%t +see se&. 6 o t*e PoS&".. As to t*e o(ma\$ #(o&ess)
se&. 6.2 #(o3%des t*atH

Pe(sonne\$ 5 *o 'e\$%e3e t*at t*e" 5e(e su' ?e&t to Ga(assment)
2eAua\$ Ga(assment o(A 'use o Aut*o(%t" ma" su' m%t a &om#\$a%nt
to t*e D%(e&to) D%3%\$on o(; 3e(s%g*t 2e(3%&es +0D ; 21.) a\$\$eg%ng
t*at t*e" a(e o(5e(e t*e 3%t%im o Ga(assment) 2eAua\$ Ga(assment
o(A 'use o Aut*o(%t". 2e&t%on < #(o3%des u(t*e(deta%ss on t*e
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28. D%t* (ega(d to se&. < +0/o(ma\$ P(o&ess1. o t*e PoS&") %ts (e\$e3ant #a(ts o(
t*e #(esent &ase (ead as o\$\$o5 sH

31. The Applicant submitted evidence (including a complaint against 6(s. 7. to ; A82 on - June 2014) and submitted it on 13 July 2014. As evidenced above ; A82 found that the incidents involving 6(s. 7.) described in the Applicant's evidence (documents and observations 5(t* ; A82) occurred prior to 22 February 2013. The Commission has indeed found in the Applicant's evidence (observation 5(t* t* ; A82) investigated on 10 February 2014) and accordingly the fact that the Applicant was issued on 2=D/P on 23 February 2013 and that she received (returned to 5o(> a telephone. The evidence is no indication that the Applicant had an contact 5(t* 6(s. 7. a te(22 February 2013. A'sent an" attention o time granted in the D(e(to(; A82) the T('una\$ &annot 'ut &on (m ; A824s &on&usion that the Applicant's complaint against 6

34. In the instant case) it was 'een esta'ised t*at ; A82 (e3e5ed t*e A##\$%&ant4s &om#%ant aga%nst 6 (s. 7.) as 5e\$\$ as t*e do&uments atta&*ed t*e(eto. ; A82 %n3est%gato(s a\$so &onta&ted t*e A##\$%&ant ' " #*one on 10 2e#tem'e(2014 to get u(t*e(%n o(mat%on and &\$a(%&at%ons %n (es#e&t o *e(&om#%ant.

3-. In %ts #(e\$m%na(" assessment) ; A82 &on&\$uded as o\$\$o5sh

/(om ; A824 (e3e5 o Et*e A##\$%&antF4s e%g*t %nd%3%dua\$ &om#%ants o 'u\$\$"%ng and *(a(assment aga%nst *e(o(me(P2! &o\$\$eagues and t*e su##o(t%ng %n o(mat%on s*e #(o3%ded) ; A82 ound t*at Et*e A##\$%&antF4s #(ma(" &on&(n 5as t*e \$a&> o

30. The same words used in the Applicant's allegations in (es#e&t o d&s&(m\ NATO) (email) made ' ' 6 (s. 7. The Applicant memo states that 6 (s. 7. Ed&s&ussed nationalities together 5% of the team members including Russians.) and also discussed the meaning of Russian words and made

Conclusion

41. In 2015, the Commission found that the T(una) DCC8DC2H

The Commission's (e)ted n ts ent(et".

+Signed.

Judge Te(esa !(a3o

Dated t*s 1<^{t*} da" o August 2016

Conte(ed n t*e Registe(on t*s 1<^{t*} da" o August 2016

+Signed.

RenK 6. Va(gas 6.) Regist(a() Gene3a