UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2023-UNAT-1332

AAE[1]

(Appellant and Respondent on Cross-Appeal)

v.

Secretary-General of the United Nations

(Respondent and Appellant on Cross-Appeal)

JUDGMENT

Before:	Judge Kanwaldeep Sandhu, Presiding Judge John Raymond Murphy Judge Graeme Colgan Judge Dimitrios Raikos Judge Sabine Knierim Judge Martha Halfeld Judge Gao Xiaoli
Case No:	2022-1695
Date of Decision:	24 March 2023
Date of Publication:	28 April 2023
Registrar:	Juliet Johnson

Counsel for AAE:	Charles Adeogun-Phillips, Sètondji Roland Adjovi, Chukwudi F. Unah, Motunrayo R. Akande and Ishaq Obashola Apalando
Counsel for Secretary-General:	Noam Wiener and Patricia C. Aragonés

[1] This unique three-letter substitute for the party's name is used to anonymize the Judgment and bears no resemblance to the party's real name or other identifying characteristics.

Night of 2 December 2016

15. It is undisputed that the Complainant agreed to come to the Appellant's room th at evening, having been provi22R82T-s8 ro

her up, put her over his shoulder, and brought her back to the bed. She says that she stopped struggling at that point and he raped her. No condom was used[10] Afterward, he went into the bathroom. She says that she still had on her dress and shoes and her phone and key card were in her hand. She testified that she was "stunned" and "grabbed [her] undergarments and walked out of the room".[11]

19. The Complainant testified that she did not scream or tell the Appellant to stop, because She 3 [(g)1 25.9 (u)-10.5 (a)15.2 (r)-10.5 (a)15.2 (n)-10.5 (t)-6.8 (e)-10.5 (e)-6.8 (d)-10.5 (h)-6.8 (i)-10.5 (m)-6.8 (,)-10.5 (a)15.2 (s)-10.5 (h)-6.8 (e)-10.5 (w)-10.5 (a)15.2 (s)-10.5 (a)15.2 (f)-10.5 (r)-10.5 (a)15.2 (i)-10.5 (d)-10.5 (a)15.2 (n)-10.5 (d)-10.5 (h)-6.8 (e)-10.5 (r)-10.5 (s)-10.5 (e)-6.8 (t)-6.8 (t)-6.8 (i)-10.5 (n)-6.8 (g)-10.5 (u)-10.5 (p)-10.5 (o)-10.5 (v)-10.5 (e)-6.8 (r

21. The Complainant denies that she a) stayed on the bed and had a conversation with the Appellant after sex, b) told him that she wanted a long-term relationship, c) was advised by the Appellant that he was coming to Dakar in March 2017, and d) had any conversation with him after he came out of the bathroom or that he kissed her goodbye as she left his room.[17]

22. The Appellant denies a) restraining the Complainant or trying to prevent her from leaving his room, b) the Complainant telling him to stop (although he does not entirely deny her saying that she made a "mistake" at the start of the encounter), c) picking the Complainant up in a fireman's lift, d) raping her, and e) asking