



JUDGE INÉS WEINBERG DE ROCA, Presiding.

Synopsis

1. The United Nations Appeals Tribunal (Appeals Tribunal) is seized of an appeal by Ms. Asma Rahimi against Judgment No. UNDT/2011/089 issued by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva on 23 May 2011 in the case of *Rahimi v. Secretary-General of the United Nations*.
2. The Organization is liable for the consequences of unlawful decisions, omissions or negligence.
3. Ms. Rahimi has not produced any evidence that the invoked injury is the result of either negligence or fraud caused by a specific act or omission of the United Nations or one of its representatives, or that the Organization was aware of the fraud prior to Ms. Rahimi's allegations.

Facts and Procedure

4. Ms. Rahimi joined the United Nations Population Fund (UNFPA) in Afghanistan as an Advocacy and Information Management O3.

who accepted to review and pass her application along to the Director of OCHA. By

17. The Secretary-General also notes that Ms. Rahimi repeats several of the arguments she previously presented to the UNDT. However, the Secretary-General recalls that it is “not sufficient for an appellant to state that he or she disagrees with the findings of fact or to repeat the arguments submitted before the UNDT. An appellant must identify the apparent error of fact in the Judgment and the basis for contending that an error was made”.²

18. The Secretary-Generals submits that the mere fact of being a current or former UNFPA staff member does not engage the responsibility of the Organization if there is no relation between the contested acts and the term or contract of appointment of the staff member. Consequently, the Dispute Tribunal correctly determined that Ms. Rahimi did not identify any administrative decision by either OCHA or UNFPA that fell within the jurisdiction of the Dispute Tribunal.

19. The Secretary-General submits that Ms. Rahimi neither explains the purpose of her request for the production of documents, nor does she meet the Appeals Tribunal requirement that exceptional circumstances be present for additional findings of facts to be presented at the appellate level.

20. The Secretary-General requests that the Appeals Tribunal reject Ms. Rahimi’s appeal and affirm Judgment No. UNDT/2011/089.

Considerations

21. Article 2 of the Statute of the Appeals Tribunal states:

1. The Appeals Tribunal shall be competent to hear and pass judgment on an appeal filed against a judgment rendered by the United Nations Dispute Tribunal in which it is asserted that the Dispute Tribunal has:

- (a) Exceeded its jurisdiction or competence;
- (b) Failed to exercise jurisdiction vested in it;
- (c) Erred on a question of law;
- (d) Committed an error in procedure, such as to affect the decision of the case; or
- (e) Erred on a question of fact, resulting in a manifestly unreasonable decision.

22. The Organization is liable for the consequences of its unlawful decisions, omissions or negligence.

² Messinger v. Secretary-General of the United Nations , Judgment No. 2011-UNAT-123.

23.

THE UNITED NATIONS APPEALS TRIBUNAL