







In various places of the email, the Witness indicated MEMBER STATE STI or before setting out his analysis (at the hearing, the Witness U an abbreviation for sensitive but unclassified and that this is a term that is not used by the United Nations). The Witness at the very end of the body of the text before writing his email signature, in which he presented his own name, title and contact information at the United Nations



18. In the present case, the Tribunal defines the issues to be adjudicated upon as follows,







results from [the article on the Blog] for the safety and security of the organization or the staff . The only issue of consequence in the leaked information was the fact that [the USG/DSS] had committed possible acts of misconduct, and that neither he nor [the OIOS] had taken any action for his errors of judgment that far exceeded the consequences of the Applicant s lost correspondence . The relevant issues over security and safety had already been publicly discussed in various staff union meetings, raised officially by staff representatives and written about extensively in public staff federation reports as well as in the press prior to 17 May 2017 .

30. The Applicant further submits that the inclusion of the term confidential on some of the correspondence as well as from the issues addressed does not appear on the Applicant s memoranda to [the USG/DSS] or [his] reply except as to the repetition of a subject title from [the Witness ] prior correspondence . The Witness testified that he used that terminology and marked his own communication as Strictly Confidential not because of any sensitive security information, but because it alleged possible misconduct by [the USG/DSS] . No evidence shows that the content of the attached email trail posed a grave threat to the work of the Organization .

31. The Applicant adds that the vulnerability assessment [of a high-ranking United Nations official] was never leaked and has never been published . The security incident in question occurred two months before and the subject matter of the emails from the two staff representatives was not about what action the [United Nations] would be taking in the future but what action the leadership had failed to take in the past . was not a new issue . As the communications point out, the staff federations had been discussing concerns over security of staff in [various countries] for several years under [the USG s] tenure . The information contained in the email messages was already in the public domain . The article in the Blog reflected this since it was stated therein, exclusively reported that [the USG/DDS] ordered a security report on [the high-ranking United Nations official] buried last year .

32. The Applicant also contends that the Witness message included an email chain copied to a number of individuals that referred to [a certain security incident] and which reproduced [United Nations] and Member State STI s that summarized public information on

threads was, nevertheless, not confidential at the time when he lost the printed copies of them on 17 May 2017, approximately two months later.

35. The Tribunal further observes

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47. No specific statutory directions are given on the specific situation of the present case, namely [redacted] of confidential information and her/his failure to report the incident, but the Respondent refers to the following:

- a. Staff regulations 1.2(b), (i) and (q) according to which,
  - i. 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;
  - ii. (i) Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service ; and
  - iii. (q) Staff members shall use the property and assets of the Organization only for official purposes and shall exercise reasonable care when utilizing such property and assets .
- b. ST/SGB/2004/15 (Use of information and communication technology resources and data), secs. 5.1(b) and (c), which state that Users of [redacted] ICT ] resources and ICT data shall not engage in any of the following actions: (b) Knowingly, or through gross negligence, making ICT resources or ICT data available to persons who have not been authorized to access them; (c) Knowingly, or through gross negligence, using ICT resources or ICT data in a manner contrary to the rights and obligations of staff members

48. The Tribunal notes that as a Vice President of the Staff Union a leadership position in which one can expect to be entrusted with, and have access to, a lot of privileged and confidential information the Applicant should have understood the significance and particular sensitivity of the information encompassed in the email exchanges, at least by way of the confidentiality designations of the Witness (a United Nations security analyst). The Applicant should also have known that if he lost the printed versions of the emails









