



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2022/066  
Judgment No.: UNDT/2023/034  
Date: 25 May 2023  
Original: English

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**Before:** Judge Francesco Buffa  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

YAGOUT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON LIABILITY**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
Esther Shamash, UNDP

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member's reputation, standing and future employment prospects. For that reason, the UNDT generally should reach a finding of fraud only on the basis of sufficient, cogent, relevant and admissible evidence permitting appropriate factual inferences and a legal conclusion that each element of fraud (the making of a misrepresentation, the intent to deceive and prejudice) has been established in accordance with the standard of clear and convincing evidence. In other words, the commission of fraud must be shown by the evidence to have been highly probable. Fraud consists in the unlawful making, with the intent to defraud or deceive, of a misrepresentation which causes actual prejudice, or which is potentially prejudicial, to another.

43. In this case, the Tribunal finds that there is clear and convincing evidence that the Applicant submitted fraudulent



48. Such measures have been found proportionate in cases of fraudulent conduct as “fraud undermines the very integrity of the Organization” (*Jaber et al* 2016-UNAT-634, 27).

49. In *Diallo* UNDT/2021/064, the Tribunal held:

The practice of the Organization in cases involving staff submitting false claims for reimbursement of medical expenses is consistent in that disciplinary measures have been imposed at the strictest end of the spectrum, namely, separation from service or dismissal in accordance with staff rule 10.2(a). (See also *Madhi* 2010-UNAT-018).

***(d) Whether due process was respected***

50. Finally, the Tribunal notes that the Applicant’s due process rights were respected during the investigation and disciplinary process. The Applicant has not submitted otherwise.

**Conclusion**

51. In light of the above, the application is dismissed.

*(Signed)*

Judge Francesco Buffa

Dated this 25<sup>th</sup> day of May 2023

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