



## Introduction

1. The investigation started on 1 (January) 2015\* the Assistant a (former) (former) Assistant ,G-5. In the United Nations (United Nations) /und ,0UN/ A1.\* (former) Assistant 2e)3&'es " )an'+ ,0 2"1.\* A!)&'a team\* based in Co\$en+agen\* 'a&enged UN/ A5s de'&ision not to )e3&e6 +e) 'om\$&ants o! mis'ondu't ,0+a)assment and unde)m&n&ng 7+e)81. aga&nst !&3e o! +e) 'o&leagues in the 2" team\* name%# 9)s. V.\* (former) Assistant\* 9)s. :.\* Cont)a't Asso'&ate\* 9)s. ;.\* Cont)a'ting and Adm&n&strat&3e Assistant\* 9)s. <.\* (former) Assistant\* and 9). =.\* (former) Assistant.

2. The Respondent submitted +&s )e\$%# on 24 /e4)ua)# 2015. Also\* u\$on the T)&4una%5s &nst)u't&ions\* the Respondent submitted additional do'umentation on the 'om\$&ants !&ed 4# the Assistant 6&t+ the >!&'e o! Audit and ?n3est&gations 2e)3&'es ,0>A?21. on 25 June 2015.

3. >n 2( June 2015\* the T)&4una% &n!o)med the \$a)ties that the 'ase 6ou&d 4e

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on 15 December 2014, the High Representative of the Union for Foreign Affairs and Diplomacy, Catherine Ashton, stated that the Commission's investigation into the matter was not limited to the period outside the scope of the UN/ A management. As a result, the Commission also submitted on 31 October 2014 a request to the management evaluation on the ongoing investigation not to conduct an investigation into the 'omnibus' against 9). <.

## Parties' submissions

### 22. The Applicant's Submissions

a. The Applicant claims that the requested investigation is unfounded as the 'omnibus' is not documented and the (mis)use of the 'omnibus' is not a 'one-off' incident but a 'systemic' issue. The Applicant also claims that the 'omnibus' is a 'one-off' incident but a 'systemic' issue.

4. The Applicant claims that the 'omnibus' is not a 'one-off' incident but a 'systemic' issue. The Applicant also claims that the 'omnibus' is a 'one-off' incident but a 'systemic' issue.

' As the Applicant requested maximum 'omnibus' cases, she stated that the Tribunal's decision does not request the 'omnibus' cases. The Applicant also stated that the 'omnibus' cases are not a 'one-off' incident but a 'systemic' issue. The Applicant also stated that the 'omnibus' cases are not a 'one-off' incident but a 'systemic' issue.

### 23. The Respondent's Submissions

a. The Respondent claims that the 'omnibus' is not a 'one-off' incident but a 'systemic' issue. The Respondent also claims that the 'omnibus' is a 'one-off' incident but a 'systemic' issue.



The Tribunal so that the assessment of the respondent's conduct is based on the facts and circumstances as they exist at the time of the assessment. The Tribunal is not to speculate as to what the respondent's conduct would have been had the facts been different.

25. In taking evidence from the witness and the respondent, the Tribunal has taken into account the fact that the witness is a family member of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company.

### Legal framework

26. The assessment of the respondent's conduct is based on the facts and circumstances as they exist at the time of the assessment. The Tribunal is not to speculate as to what the respondent's conduct would have been had the facts been different. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company.

#### 4.1 Harassment

4.1.1 An employee and a former employee of the respondent have both brought claims against the respondent for harassment. The Tribunal has taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company. The Tribunal has also taken into account the fact that the witness is a close friend of the respondent and that the respondent is a senior manager of the respondent's company.



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Entered in the Register on this 1<sup>st</sup> day of August 2016

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