



General Assembly

Distr.: General
7 March 2019

Original: English

Seventy-fourth session

Item 142 of the preliminary list*

Human resources management

Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, 1 January to 31 December 2018

Report of the Secretary-General

Summary

The present report is submitted in response to the request of the General Assembly in paragraph 16 of its resolution [59/287](#) that Member States be informed on an annual basis about all actions taken in cases of established misconduct and/or criminal behaviour and the disciplinary action and, where appropriate, legal action taken in accordance with the established procedures and regulations. The present report covers the period from 1 January 2018 to 31 December 2018.

The General Assembly is invited to take note of the report.

* [A/74/50](#).



I. Introduction

1. The present report is submitted in response to the request of the General Assembly in paragraph 16 of its resolution 59/287 that Member States be informed on an annual basis about all actions taken in cases of established misconduct and/or criminal behaviour in accordance with the established procedures and regulations. The report covers the period from 1 January 2018 to 31 December 2018. The present report is the first one on the subject to cover a 12-month calendar year period as opposed to a 1 July–30 June period.

2. A broad overview of the administrative framework in disciplinary matters, which includes the administrative instruction on unsatisfactory conduct, investigations and the disciplinary process (ST/AI/2017/1), is set out in section II so that the information provided in sections III and IV may be understood in context. Because of the transitional arrangements set out in administrative instruction ST/AI/2017/1, some matters reported upon in the present report were governed by the administrative instruction on revised disciplinary measures and procedures (ST/AI/371 and ST/AI/371/Amend.1).

3. Section III contains a summary of the cases of established misconduct during the reporting period. Section IV contains data reflecting the disposition of cases completed during the 12-month reporting period, including cases that did not result in the imposition of a disciplinary measure, information about appeals of disciplinary measures imposed since 1 July 2009 and data on the number and nature of cases referred to the Office of Human Resources for action during the reporting period. Section IV also provides comparative data for the present and previous annual reporting periods since 1 July 2009. Section V provides information on the practice of the Secretary-General in cases of possible criminal behaviour.

4. A consolidated compendium of disciplinary measures¹ was issued during the reporting period to provide to all staff of the Organization the most common examples of misconduct and their disciplinary consequences since 1 July 2009, with due regard for the protection of the privacy of the staff members concerned. The summaries of the cases of established misconduct set out in section III will be added to the compendium in 2019.

II. Overview of the administrative framework with respect to disciplinary matters

A. Legislative framework governing the conduct of staff members²

5. Article 101, paragraph 3, of the Charter of the United Nations states that the “paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity”.

6. Article I of the Staff Regulations and chapter I of the Staff Rules, both entitled “Duties, obligations and privileges”, set out the basic values expected of international

¹ “Compendium of disciplinary measures: practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2017”. Available at <https://hr.un.org/sites/hr.un.org/files/handbook/Compendium%20of%20disciplinary%20measures.pdf>.

² Provisions relating to the status, rights and duties of staff members, and to disciplinary matters, can be found in the electronic version of the Human Resources Handbook (available at <https://hr.un.org/handbook>) under the categories “Duties, obligations and privileges” and “Administration of justice and disciplinary matters”.

civil servants because of their status, as well as particular manifestations of such basic values (see, in particular, staff regulation 1.2 and staff rule 1.2).

7. Staff regulation 10.1 (a) provides that “the Secretary-General may impose disciplinary measures on staff members who engage in misconduct”. Staff rule 10.1 (a) provides that the “failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct”.

8. In addition, staff rule 10.1 (c) provides that “the decision to launch an investigation into allegations of misconduct, to institute a disciplinary process and to impose a disciplinary measure shall be within the discretionary authority of the Secretary-General or officials with delegated authority”. Within those parameters, the Secretary-General has broad discretion in determining what constitutes misconduct and in imposing disciplinary measures.

9. Examples of conduct for which disciplinary measures may be imposed are listed in section 3.5 of administrative instruction [ST/AI/2017/1](#). Reference may also be made to the Secretary-General’s bulletin on the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2008/5](#)), the Secretary-General’s bulletin on special measures for protection from sexual exploitation and abuse ([ST/SGB/2003/13](#)) and the Secretary-General’s bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ([ST/SGB/2017/2/Rev.1](#)).

B. Summary of the disciplinary process

10. Administrative instruction [ST/AI/2017/1](#) was promulgated on 26 October 2017. In accordance with the transitional arrangements, investigations initiated before 26 October 2017 shall continue to be governed by the provisions of administrative instruction [ST/AI/371](#) and [ST/AI/371/Amend.1](#)), as shall any subsequent disciplinary processes.

11. Under the provisions of administrative instruction [ST/AI/2017/1](#), all reports of possible unsatisfactory conduct shall be brought to the attention of the Office of Internal Oversight Services (OIOS). After receiving a report of possible unsatisfactory conduct, OIOS may decide either to consider the report or to refer it to a responsible official for assessment and possible investigation. OIOS shall be apprised of decisions made by managers in relation to the reported unsatisfactory conduct.

12. Administrative instruction [ST/AI/2017/1](#) contains minimum standards for the conduct of investigations (sect. 6) and articulates the need to provide acknowledgement of reports of unsatisfactory conduct to those who report such conduct (sect. 4). The instruction also details certain procedures relating to staff members who are the subject of an investigation. For instance, such staff members must be informed in writing, prior to or at the start of an investigative interview, that they are the subject of an investigation and of the nature of the allegations made against them. In addition, such staff members may now be accompanied by another staff member of their choice to act as an observer during the interview.

13. Administrative instruction [ST/AI/2017/1](#) also sets out the circumstances in which a staff member may be placed on administrative leave with or without pay in accordance with staff rule 10.4 (a). In this regard, a staff member may be placed on

administrative leave at any time after an allegation of misconduct has been made, and the period of administrative leave may continue until the completion of the disciplinary process. Depending on the circumstances of a case, administrative leave may be with pay or without pay. As reflected in the instruction, staff rule 10.4 (c) provides that, for cases of sexual exploitation and sexual abuse, a staff member may be placed on administrative leave without pay when there are reasonable grounds to believe (probable cause) that the staff member engaged in the sexual exploitation or sexual abuse. The instruction specifies that, in cases where a staff member is placed on administrative leave without pay, the staff member will continue to maintain some entitlements and benefits.

14. Sections 7, 8 and 9 of administrative instruction [ST/AI/2017/1](#) contain a step-by-step summary of how matters are dealt with following the completion of an investigation. If the Assistant Secretary-General for Human Resources decides to initiate a disciplinary process, the staff member shall be notified in writing of the allegations of misconduct and informed of the opportunity to comment on the allegations and of the right to seek the assistance of counsel through the Office of Staff Legal Assistance or from outside counsel at the staff member's expense. In the light of the comments provided, the Assistant Secretary-General shall decide whether to close the case, with or without administrative action, or to recommend the imposition of one or more disciplinary measures. In the latter case, the Under-Secretary-General for Management Strategy, Policy and Compliance shall decide whether to impose one or more of the disciplinary measures provided for in staff rule 10.2 (a). In some cases, the first step taken with respect to a referred matter is to request the staff member to provide comments. The request for comments shall be made, inter alia, in compliance with staff rule 10.2 (c) if the issuance of a reprimand is being contemplated and to assist the Assistant Secretary-General for Human Resources in deciding whether to initiate a disciplinary process.

15. In accordance with staff rule 10.3 (c), a staff member against whom a disciplinary measure has been imposed may submit an application to the United Nations Dispute Tribunal challenging the imposition of the measure in accordance with Chapter XI of the Staff Rules.³

C. Disciplinary measures

16. Staff rule 10.2 (a) provides that disciplinary measures may take one or more of the following forms (i.e. more than one measure may be imposed in each case):

- (a) Written censure;
- (b) Loss of one or more steps in grade;
- (c) Deferment, for a specified period, of eligibility for salary increment;
- (d) Suspension without pay for a specified period;
- (e) Fine;
- (f) Deferment, for a specified period, of eligibility for consideration for promotion;
- (g) Demotion, with deferment, for a specified period, of eligibility for consideration for promotion;

³ Judgments of the United Nations Dispute and Appeals Tribunals relating to disciplinary cases may be found on the website of the Office of Administration of Justice (www.un.org/en/internaljustice).

(h) Separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity;

(i) Dismissal.

17. In determining the appropriate measure, each case is decided on its own merits, taking into account the particulars of the case, including aggravating and mitigating circumstances. Examples of possible aggravating circumstances are the repetition of acts of misconduct, the intent to derive personal benefit and the degree of harm resulting from the misconduct. Examples of possible mitigating circumstances are sincere remorse and the voluntary disclosure of the acts of misconduct early in the process. In addition, in accordance with staff rule 10.3 (b), disciplinary measures imposed must be proportionate to the nature and gravity of the misconduct involved. Given the thoroughness of the review involved, the specific sanction that applies to a type of misconduct cannot be determined in advance or applied across the board.

D. Other measures

18. Written or oral reprimands, recovery of moneys owed to the Organization and administrative leave with or without pay are not considered disciplinary measures. Reprimands are administrative measures that are important for upholding standards of proper conduct and promoting accountability. Written reprimands are placed on the staff member's official status file. Warnings or letters of caution are managerial measures directed at fostering awareness of the proper standards of conduct. In addition, where conduct that may amount to misconduct has an impact on performance, the issue may be addressed in the context of performance management. This may include training, counselling, the non-renewal of a contract or the termination of an appointment.

III. Summary of cases in which disciplinary measures were imposed during the period from 1 January to 31 December 2018⁴

19. For each case that led to the imposition of one or more disciplinary measures, a summary is provided below indicating the nature of the misconduct and the disciplinary measure or measures imposed. The functional title of the staff members or other similar particulars are provided only when they played a role in determining the measures to be taken. Conduct issues that were dealt with by means other than disciplinary measures are not listed, although statistical information about such cases is provided in section IV below.

20. Not every case brought to the attention of the Secretary-General indicating unsatisfactory conduct results in disciplinary or other measures being taken. When a review by the Office of Human Resources reveals that there is insufficient evidence to pursue a matter as a disciplinary case, or when a staff member provides a satisfactory explanation in response to the formal allegations of misconduct, the case is closed. Cases will also typically be closed when a staff member retires or otherwise separates from the Organization before an investigation or the disciplinary process is concluded, unless continuation is in the interest of the Organization. In the majority of cases involving former staff members, a record is made and placed in the former

⁴ Information contained in the summaries is correct as at the date of submission of the present report.

staff member's official status file so that the matter may be further considered if and when the staff member rejoins the Organization.

21. In paragraph 23 of its resolution 68/252, the General Assembly requested the Secretary-General to take appropriate measures to mitigate and recoup any losses arising from misconduct by staff members and to report thereon. As the summaries of the cases below indicate, in the majority of the cases where there was a quantifiable loss to the Organization, the Organization either recovered the relevant property and/or funds, the staff member repaid the funds at issue or it was decided to recover an amount equal to the financial loss.

A. Abuse of authority, harassment and discrimination

22. A staff member harassed another staff member, including by sending intimidating and abusive messages using an official email account and making persistent and intimidating phone calls. There were significant and compelling mitigating circumstances. *Disposition*: written censure and demotion with deferment, for two years, of eligibility for consideration for promotion. *Appeal*: none, agreed sanction.

23. A staff member sexually harassed another staff member by propositioning the latter and offering money when refused. In addition, the staff member acted in a disruptive manner in a second incident. The staff member's partial admission constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none.

24. A staff member sexually harassed another member of United Nations personnel by sending sexually explicit messages and obscene photographs, as well as seeking to make unwanted contact. The staff member's admission constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

B. Theft and misappropriation

25. A staff member who served as a property management assistant obtained six drills from the Organization without authorization. The staff member misused United Nations information and communications technology (ICT) resources and provided false information to colleagues concerning the drills. The return of the property constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

26. A staff member received money from a colleague, for deposit into an account belonging to the Organization. The staff member kept the money and provided a false receipt of deposit. The staff member's admission constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: deadline to appeal has not yet expired.

27. A staff member who served as a driver removed items of United Nations property from a warehouse and failed to deliver them to any authorized location. The staff member's long service constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

28. A staff member collected, without authorization, items of United Nations property from a supply outlet and transported them to an unknown location.

Disposition: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* none.

29. A staff member, using United Nations vehicles, transferred without authorization a large, but unknown, quantity of ammunition from a United Nations compound to a private company. The staff member also attempted to interfere with a duly authorized investigation into the matter. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

30. A staff member who served as a vehicle technician attempted to take, without authorization, vehicle spare parts belonging to the Organization. The property was recovered. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* none.

C. Misrepresentation and false certification

31. A staff member wrote a letter that purported to have been authored in an official capacity on a local customs-related matter. The staff member's admission and no evidence of personal gain operated as mitigating factors. *Disposition:* written censure, together with a demotion of one grade with deferment, for one year, of eligibility for consideration for promotion. *Appeal:* none.

32. A staff member, using United Nations ICT resources, falsely represented to a third party that the staff member could purchase used mission vehicles for the third party. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* none.

33. A staff member, on multiple occasions, failed to submit a leave request and submitted false information about absences and certified the correctness of the statements. Significant and compelling mitigating factors were present, including an early admission. *Disposition:* written censure, loss of 10 steps in grade and deferment, for one year, of eligibility for consideration for promotion. *Appeal:* none, agreed sanction.

34. A staff member knowingly and repeatedly submitted false information about a relative employed by the Organization. The staff member's admission constituted a mitigating factor. *Disposition:* separation from service with compensation in lieu of notice and with termination indemnity. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

35. In an attempt to account for prolonged absence from the mission, a staff member provided false information to the Organization about the staff member's location and submitted false information about the matter. The staff member also certified inaccurate monthly time statements and falsely claimed to have lost a United Nations laissez-passer. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* none.

36. Without authorization, a staff member prepared United Nations official documentation to be used by the staff member and a private individual to cross an international border. *Disposition:* separation from service with compensation in lieu of notice and with termination indemnity. *Appeal:* none.

37. Ten staff members failed to disclose in job applications and/or submissions to the United Nations that relatives were employed by the Organization. The staff members' conduct was significantly mitigated by their early admission and very long service as General Service staff in a difficult mission environment.

Disposition: demotion with deferment for eligibility for consideration for promotion. *Appeal:* deadline to appeal has not yet expired.

38. A staff member submitted a job application which contained false statements about the staff member's educational qualifications. The fact that during the disciplinary process the staff member sent (or requested a third party to send) correspondence which purported to originate from a university and contained further misrepresentations about the staff member's academic qualifications constituted an aggravating factor. *Disposition:* dismissal. *Appeal:* none.

39. A staff member obtained and submitted false documentation to the embassy of a Member State, misrepresenting the staff member's function and official title, and misusing United Nations ICT resources. The fact that the conduct harmed the reputation of the Organization, and the fact that the help of another staff member was enlisted, constituted aggravating factors. The staff member's admission and remorse constituted mitigating factors. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* none.

40. A staff member misrepresented a medical condition in order to obtain a certificate entitling the staff member to a benefit. The staff member's position of trust constituted an aggravating factor. The staff member's long service and early admission operated as mitigating factors. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity, and financial recovery of the benefit. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

41. A staff member who served as a security officer falsely signed an official memorandum and delivered and presented the false document to the local authorities as a genuine United Nations document. The harm to the reputation of the United Nations constituted an aggravating factor. The staff member's long service constituted a mitigating factor. *Disposition:* dismissal. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

42. A staff member knowingly provided false information on two occasions during an investigation. The staff member's long service and an admission constituted mitigating factors. *Disposition:* written censure and loss of two steps in grade. *Appeal:* deadline to appeal has not yet expired.

D. Inappropriate or disruptive behaviour

43. A staff member failed to regularize ownership of a private vehicle and to obtain insurance as a driver and, after having consumed alcohol, was in an accident and attempted to flee. At the time, the staff member, a security officer, carried a service weapon without authorization. The threatening circumstances arising after the accident were considered a mitigating factor. *Disposition:* separation from service with compensation in lieu of notice and with termination indemnity. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

E. Unauthorized outside activities and conflict of interest

44. A staff member worked for a private association for five years while employed with the United Nations, without authorization. The fact that a considerable sum of money was earned constituted an aggravating factor. *Disposition:* written censure, loss of five steps in grade and a fine of three months' net base salary. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

45. A staff member provided engineering advice to a third party in connection with a private construction site. The staff member's long service constituted a mitigating factor. *Disposition*: written censure. *Appeal*: deadline to appeal has not yet expired.
46. A staff member directed one or more individual contractors to perform work at a private construction site during working hours and supervised their work. The protracted period of service of the staff member and the individual contractors on the private construction site constituted an aggravating factor. The staff member's long service constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: deadline to appeal has not yet expired.
47. Without authorization, a staff member in the General Service category without procurement-related functions engaged in outside activities with two companies, and, in doing so, the staff member improperly utilized United Nations ICT resources and failed to disclose a potential conflict of interest arising from the activity. *Disposition*: deferment, for three years, of eligibility for consideration for promotion, a fine equivalent to three months' net base salary and a loss of two steps in grade. *Appeal*: none.
48. A staff member became a candidate for political office without authorization. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none.
49. A staff member issued, without authorization, an official letter falsely identifying the staff member's functions and title and provided false or unsubstantiated information in support of a third party, as well as misused United Nations ICT resources. The staff member's long service and admission constituted mitigating factors. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none, agreed sanction.
50. A staff member engaged in an outside occupation for 12 years, while employed by the Organization, without authorization and without disclosing an actual or possible conflict of interest. The staff member's admission and long service constituted mitigating factors. *Disposition*: separation from service, with compensation in lieu of notice and without termination indemnity. *Appeal*: none.
51. A staff member, without authorization, gave an interview to a news organization on matters concerning the United Nations outside the staff member's normal work duties. The staff member's admission and remorse served as mitigating factors. *Disposition*: written censure. *Appeal*: none.

F. Assault and abusive conduct

52. While off-duty, a staff member refused to follow the instructions of, and engaged in a physical altercation with, United Nations security personnel. The staff member's long service constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.
53. A staff member verbally and physically abused a domestic partner who was also a staff member, causing injury. *Disposition*: dismissal. *Appeal*: deadline to appeal has not yet expired.
54. A staff member acted in a disruptive manner at a high-profile event at a United Nations compound. *Disposition*: written censure. *Appeal*: none.
55. A staff member threatened to kill another staff member and used insulting and profane language with respect to the United Nations, the former Secretary-General

and another staff member. The vivid and frightening nature of the threats was an aggravating factor. The staff member's long service constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: deadline to appeal has not yet expired.

56. A staff member physically assaulted, threatened and verbally abused another staff member. There were mitigating factors, including partial admission, long service and possible provocation. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

57. A staff member physically assaulted another staff member. The fact that the staff member continued to provoke the other staff member constituted an aggravating factor. The staff member's long service and partial admission constituted mitigating factors. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: deadline to appeal has not yet expired.

58. A staff member shouted at and used aggressive and/or racially demeaning language about United Nations service vendor employees. The fact that the staff member was in a stressful situation at the time of these actions constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: deadline to appeal has not yet expired.

G. Failure to honour private obligations

59. A staff member failed to resolve private legal obligations in compliance with the express instructions of the Secretary-General. A previous sanction in relation to the same matter was an aggravating factor. *Disposition*: demotion of one grade with deferment, for three years, of eligibility for consideration for promotion, and administrative actions. *Appeal*: none.

60. A staff member failed to comply with an administrative measure in relation to a previous disciplinary matter. The staff member's action to rectify the matter, long service and early admission constituted mitigating factors. *Disposition*: written censure. *Appeal*: none.

H. Sexual exploitation and abuse

61. A staff member engaged in sexually exploitative behaviour towards a local person by threatening to expose their sexual relationship and publish intimate material in order to induce the local person into engaging in further sexual relations. The staff member published intimate and sexually explicit material about the local person using United Nations ICT resources. *Disposition*: dismissal. *Appeal*: none.

62. A staff member sexually exploited and attempted to sexually abuse an individual contractor whom the staff member supervised and another person who had submitted an application for employment. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: deadline to appeal has not yet expired.

63. A staff member engaged in the sexual exploitation and abuse of a minor. *Disposition*: dismissal. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

64. A staff member engaged in sexual exploitation. The staff member's admission and belief that the conduct was not exploitative constituted mitigating factors. *Disposition*: separation from service with compensation in lieu of notice and without

termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

65. A staff member failed to report a complaint of sexual exploitation and abuse of a minor and misled another staff member about the matter. The staff member's long service constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity, and a fine equivalent to one month's salary, applicable post adjustment and allowances. *Appeal*: none, agreed sanction.

I. Misuse of United Nations property and assets

66. A staff member who served as a driver was in possession of a small amount of an illegal substance. Procedural shortcomings in relation to the staff member's arrest and detention constituted a mitigating factor. *Disposition*: written censure. *Appeal*: none.

67. A staff member who served as a driver operated a United Nations vehicle without authorization during curfew hours, under the influence of alcohol, and caused the vehicle to crash, which resulted in material damage to the vehicle. The staff member's admission constituted a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity, and financial recovery of \$5,993.87. *Appeal*: none.

68. A staff member who served as a driver used United Nations vehicles to transport fuel provided by fuel attendants and sold the fuel for personal gain. *Disposition*: written censure, loss of three steps in grade and a fine of one month's net base salary. No loss was recovered, as the ownership of the fuel was not established. *Appeal*: deadline to appeal has not yet expired.

J. Other

69. A staff member who served as a security officer lost documents containing confidential information about security-related issues; the documents were then published by a media organization the following day. The staff member failed to report the loss. The staff member's long service constituted a mitigating factor. *Disposition*: written censure, loss of four steps in grade and deferment, for two years, of eligibility for consideration for promotion. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

70. A staff member involved in procurement failed to disclose that one or more members of the staff member's family were involved with the management and/or ownership of companies which engaged in procurement exercises and were retained by the United Nations, which resulted in a conflict of interest. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

71. A staff member retaliated against a subordinate staff member, who had submitted a report of possible misconduct, by placing adverse comments including about the submission of the report in a performance appraisal document. *Disposition*: loss of four steps in grade and written censure. *Appeal*: deadline to appeal has not yet expired.

IV. Data on cases received and completed during the reporting period

A. Cases completed during the reporting period

72. The tables in the present section provide information on the number and disposition of cases completed during the reporting period, including those that did not result in the imposition of a disciplinary measure. Information is also provided about appeals to the Dispute and Appeals Tribunals of disciplinary measures imposed since 1 July 2009.

73. In general, the length of time for completion of the disciplinary process varies, depending on the complexity of the matter, the quantity and quality of evidence contained in the referral, and any clarifications or any further information that may be required following review by the Office of Human Resources. As previously reported, the jurisprudence from the Dispute and Appeals Tribunals with regard to the standard of proof and additional requirements concerning the reliability of witness statements continues to add to the level of review required by the Office of Human Resources and requires that additional evidence be gathered by investigating entities.⁵

74. The time taken to process a case also includes the time needed for the staff member concerned to respond to the allegations of misconduct and any further relevant information received by the Office of Human Resources during the disciplinary process, which can be lengthy. After a response is received from a staff member, further clarification and/or evidence from the investigating entity is often necessary, and the staff member is then again provided an opportunity to comment.⁶ Requests from staff members and the Office of Staff Legal Assistance for extensions of time to respond to communications from the Office of Human Resources also account for additional time being taken to complete cases.

75. Tables 1 and 2 reflect cases completed during the reporting period that were referred to the Office of Human Resources both prior to and during the reporting period. The average time taken during the reporting period to dispose of cases after their referral to the Office was 7.4 months, which is a slight decrease relative to the time taken as reported for the period ending 30 June 2017 (7.7 months). The amount of time taken to complete the cases disposed during the reporting period, by investigating entity, is set out in table 2.

⁵ Reflecting the Appeals Tribunal's judgment in *Molari* (2011-UNAT-164), administrative instruction [ST/AI/2017/1](#) requires "clear and convincing evidence" as the standard of proof in cases where termination is a possible outcome and "preponderance of the evidence" in all other cases. In the recent *Sall* judgment (2018-UNAT-889), the Appeals Tribunal also noted that the Dispute Tribunal's review of a case did not necessarily entail a rehearing of the evidence and that the Dispute Tribunal could, if there was sufficient and substantial evidence in the written record, base its findings on the record. In practice, this has resulted in the need for the Office of Human Resources to often request further input from investigating entities after the initial referral of a matter to ensure that there is sufficient evidence on the record that would accord with the required standard of proof and would survive judicial scrutiny.

⁶ The requirement that additional information be provided to the staff member for comment was confirmed by the Dispute and Appeals Tribunals in *Israbhakdi* (UNDT/2012/010 and 2012-UNAT-277).

Table 1
Disposition of cases completed between 1 January and 31 December 2018

<i>Disposition</i>	<i>Number</i>
Dismissal	6
Separation from service, with notice or compensation in lieu of notice and with or without termination indemnity	28
Other disciplinary measures	26
Administrative measures	3
Closed with no measure	5
Not pursued as a disciplinary matter	22
Separation of the staff member prior to or after referral of the case to the Office of Human Resources prior to the completion of a disciplinary process	26
Other	8
Total	124^a

^a Although there were 124 dispositions, these dispositions closed 129 cases. The separation from service/dismissal of five staff members closed 2 cases relating to each staff member, for a total of 10 cases.

Table 2
Length of time to dispose of cases completed between 1 January and 31 December 2018, by investigating entity

(Months)

<i>Investigating entity</i>	<i>Time to dispose of cases</i>
Department of Safety and Security	3.3
Investigation panel	7.1
Office of Internal Oversight Services	7.1
Special Investigations Unit	8.2
Other	5.0

76. Of the 129 cases completed during the reporting period, 22, or 17 per cent, were not pursued as disciplinary matters, an increase over the percentage not pursued in the previous three annual reporting periods; in the four prior annual reporting periods, ending 30 June 2014, 2015, 2016 and 2017, the corresponding percentages were 20 per cent, 15 per cent, 8 per cent and 12 per cent, respectively. As previously reported, investigations are more thorough and investigating entities are more responsive to requests for further supporting information from the Office of Human Resources. However, the reason for a given matter not being pursued is specific to its facts and circumstances. The comparative data indicate a trend of between 10 and 20 per cent of matters referred not being pursued through the disciplinary process. That rate demonstrates that an appropriate rigorous standard is applied during the review of disciplinary referrals and indicates neither a failing on the part of investigating entities nor misapprehension on the part of the officials referring the matter.

Table 3
Cases completed in the current and previous four annual reporting periods

<i>Period</i>	<i>Number</i>
1 January–31 December 2018	129
1 July 2016–30 June 2017	136
1 July 2015–30 June 2016	143
1 July 2014–30 June 2015	148
1 July 2013–30 June 2014	115

77. As seen in table 3, a slight decrease in the number of cases completed is observed relative to the previous three annual reporting periods. During the present reporting period, 60 disciplinary measures were imposed.⁷ In the four prior annual reporting periods, ending 30 June 2014, 2015, 2016 and 2017, 39, 64, 67 and 55 disciplinary measures were imposed, respectively. The numbers of disciplinary measures imposed remain in line with the average number of disciplinary measures imposed in the previous four annual reporting periods.⁸

78. With regard to the workload of the Office of Human Resources, in addition to its role in acting on cases referred for possible disciplinary action, the Office has a role under the Secretary-General's bulletin on the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5) in connection with cases involving complaints against the most senior-level staff. In this regard, the Office provides recommendations on whether to initiate an investigation and, where relevant, reviews the completed investigation report and provides reasoned, written outcomes to complainants and alleged offenders. In addition, the Office routinely provides advice to other offices on the handling of complaints under that bulletin. Given the complexity and sensitivity of such cases, the Office's involvement in these matters tends to be exceptionally resource intensive.

79. The workload of the Office of Human Resources in relation to disciplinary issues also includes representing the Secretary-General before the Dispute Tribunal on appeals of disciplinary-related matters, including suspensions of action and challenges to more complex terminations for facts anterior. In addition, the Office has provided recommendations to the Under-Secretary-General for Management Strategy, Policy and Compliance with respect to requests for placement of staff members on administrative leave without pay. The Office has also been intensively involved in working groups and committees working on developing policies relating to conduct issues, including for the United Nations System Chief Executives Board for Coordination (CEB) Task Force on Addressing Sexual Harassment and the development of a CEB system-wide screening database of substantiated cases of sexual exploitation and abuse and sexual harassment.

B. Appeals against disciplinary measures

80. Once a completed case has resulted in the imposition of a disciplinary measure, the staff member may challenge that decision before the Dispute Tribunal. It is noted that a relatively small percentage of disciplinary measures have been appealed since

⁷ This number reflects the closure of 65 cases because the imposition of one disciplinary measure against each of five staff members closed 2 cases relating to each staff member, for a total of 10 cases.

⁸ The average number of disciplinary measures imposed in the past four annual reporting periods is 56.25.

1 July 2009.⁹ For the previous annual reporting period ending 30 June 2017, there were appeals in 12 cases, or 22 per cent.¹⁰ During the reporting period covered by the present report,¹¹ the number of appeals remained the same as in the previous annual reporting period.

Table 4

Appeals contesting disciplinary measures imposed between 1 July 2009 and 30 June 2017

<i>Period</i>	<i>Number</i>	<i>Percentage</i>
1 January–31 December 2018	12	20
1 July 2016–30 June 2017	12	22
1 July 2015–30 June 2016	17	25
1 July 2014–30 June 2015	7	11
1 July 2013–30 June 2014	2	5
1 July 2012–30 June 2013	5	11
1 July 2011–30 June 2012	7	16
1 July 2010–30 June 2011	16	16
1 July 2009–30 June 2010	8	26

81. The number of Dispute Tribunal and Appeals Tribunal judgments on disciplinary sanctions in the Secretariat imposed after 1 July 2009 remains relatively small. The Tribunals continue to give considerable scrutiny to whether the facts on which disciplinary measures are based are established at the requisite standard. Respect is given by the Tribunals to the Secretary-General's discretion in deciding on the proportionality of the sanction imposed. Table 5 provides information about the overall outcome of challenges to disciplinary measures imposed during the period from 1 July 2009 to date before the Dispute and Appeals Tribunals.

⁹ During the past nine years, the Dispute and Appeals Tribunals have considered the appeals of both disciplinary measures imposed prior to 1 July 2009 under the previous system of justice and measures imposed after 1 July 2009. The tables in the present section do not contain information about the appeals or outcomes of disciplinary measures imposed prior to the introduction of the new system of justice.

¹⁰ The figure reported in the previous annual report (A/72/209) did not include cases that had not been appealed at the date of submission of the report. That figure has been updated to reflect the number of cases closed during the previous reporting period that were appealed after the end of the reporting period. Accordingly, the percentage of appeals of disciplinary measures imposed during the previous reporting period is now reported to be 22 per cent, or 12 cases appealed (up from 10).

¹¹ During the period from 1 January to 31 December 2018, of the 60 cases for which a disciplinary measure was imposed and the time period for filing an appeal had expired, staff members in 12 cases have appealed the sanction. Disciplinary measures have been imposed in 22 cases for which the time period to file an appeal had not expired as at the date of submission of the present report.

Table 5
Disposition of the appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2018

<i>Disposition</i>	<i>Number</i>	<i>Percentage</i>
Win by the respondent and cases withdrawn by staff member at the Dispute or Appeals Tribunal ^a	52	81
Settled	8	13
Potential or overall loss by respondent ^b	4	6
Total	64	100
Staff member's appeal pending at Dispute or Appeals Tribunal or time for appeal to the Appeals Tribunal has not expired	27	

^a This number includes cases in which the respondent prevailed at the Dispute Tribunal and there was no appeal by the staff member to the Appeals Tribunal; the respondent prevailed at the Dispute Tribunal and at the Appeals Tribunal; the staff member prevailed at the Dispute Tribunal but the respondent prevailed at the Appeals Tribunal; and the staff member's appeal to the Dispute Tribunal was withdrawn.

^b This number includes cases in which the respondent prevailed at the Dispute Tribunal but the staff member prevailed at the Appeals Tribunal; and the staff member prevailed at the Dispute Tribunal and there was no appeal filed by the respondent to the Appeals Tribunal.

C. Cases received by the Office of Human Resources

82. The tables in the present section provide information on the number and types of cases referred to the Office of Human Resources for possible disciplinary action during the period covered by the present report, as well as the number of cases received over the previous four annual reporting periods.

83. The number of cases received during the reporting period shows an increase compared with the previous four annual periods.

Table 6
Cases received by the Office of Human Resources during the current and previous four annual reporting periods

<i>Period</i>	<i>Number</i>
1 January–31 December 2018	149
1 July 2016–30 June 2017	123
1 July 2015–30 June 2016	130
1 July 2014–30 June 2015	143
1 July 2013–30 June 2014	140

84. The percentage of cases concerning field staff received during the reporting period is 61 per cent. In the four previous annual reporting periods, the corresponding percentages were 70 per cent, 68 per cent, 84 per cent and 51 per cent. The percentage of cases originating in field missions is broadly in line with previous reporting periods.

Table 7
Source of cases received by the Office of Human Resources between 1 January and 31 December 2018

<i>Source</i>	<i>Number</i>	<i>Percentage</i>
Cases relating to staff based at United Nations Headquarters and offices away from Headquarters	58	39
Cases relating to field staff	91	61
Total	149	100

Table 8
Cases received between 1 January and 31 December 2018, by type of misconduct¹²

<i>Type of misconduct</i>	<i>Number</i>
Abuse of authority/harassment/discrimination	32
Assault (verbal and physical)	11
Misrepresentation and false certification	51
Procurement irregularities	5
Misuse of United Nations property or assets	2
Failure to honour private legal obligations	2
Retaliation	4
Sexual exploitation and abuse	6
Theft and misappropriation	20
Unauthorized outside activities and conflict of interest	7
Financial disclosure	2
Others	7
Total	149

85. Table 9 below sets out comparative data of matters referred during the current reporting period and the four previous annual reporting periods with regard to sexual exploitation and abuse and sexual harassment.

Table 9
Cases referred during the present and previous four annual reporting periods with regard to sexual exploitation and abuse and sexual harassment

	<i>Cases of sexual exploitation and abuse</i>		<i>Cases of sexual harassment</i>	
	<i>Received</i>	<i>Disposed</i>	<i>Received</i>	<i>Disposed</i>
1 January–31 December 2018	5	10	16	6
1 January–31 December 2017	7	4	4	6
1 January–31 December 2016	3	2	4	3
1 January–31 December 2015	2	2	3	4
1 January–31 December 2014	5	5	3	1

¹² The number of cases referred to the Office by type of misconduct varies considerably from year to year. Nevertheless, some comparative data are set out in table 9.

V. Possible criminal behaviour

86. In its resolution [59/287](#), the General Assembly requested the Secretary-General to take action expeditiously in cases of proven misconduct and/or criminal behaviour and to inform Member States about the actions taken. During the reporting period, 11 cases involving credible allegations of criminal conduct by United Nations officials or experts on mission were referred to Member States.

VI. Conclusion

87. The Secretary-General invites the General Assembly to take note of the present report.
