Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

T. (Nos. 7 and 8)

v.

Interpol

140th Session **Judgment No. 5022**

THE ADMINISTRATIVE TRIBUNAL,

Considering the seventh and eighth complaints filed by Ms V. T. against the International Criminal Police Organization (Interpol) on 26 October 2021 and corrected on 16 December 2021, Interpol's replies of 4 May 2022, the complainant's rejoinders of 23 September 2022, corrected on 4 October 2022, and Interpol's surrejoinders of 16 January 2023;

Considering the additional documents and information submitted by Interpol on 17 February 2025 in response to requests for further submissions from the President of the Tribunal;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the cases may be summed up as follows:

The complainant challenges the rejection of her complaints of moral harassment against two of her superiors.

Facts relevant to this dispute are to be found in Judgments 5017 and 5018, also delivered this day, concerning the complainant's second and third complaints. Suffice it to recall here that on 1 March 2007 the complainant joined the Organization at its Headquarters in Lyon, France, as Assistant Director for the Human Resources Management

Sub-Directorate, on a three-year fixed-term contract. Her appointment was confirmed in February 2008 and converted to an indeterminate appointment in July 2009.

In late 2015 it was decided as part of a restructuring and staff redeployment process that human resources should become a directorate in its own right. Following studies carried out by the Organization and a group of experts and recommendations to this effect issued by the Strategic Management Board, the process of creating a Human Resources Directorate, headed by a Director, Ms C., who took up her post on 14 August 2017, was implemented.

On 16 November 2017 the complainant submitted two complaints of moral harassment to the Secretary General against the Executive Director for Resource Management, Mr G.-K., who was her immediate superior before the new Human Resources Directorate was established, and against Ms C. On 22 November the complainant was offered mediation, which she refused on 24 November.

On 14 December 2017 she met the Secretary General to discuss her allegations of harassment and to be informed that she was now under his direct authority and no longer reported to Mr G.-K. or Ms C. The Secretary General also granted her request for annual leave from 18 December 2017 to 12 January 2018 and invited her to consider two temporary assignment proposals – as Acting Head of the Confidentiality Desk or as Technical Advisor in the Project Management Office – while the inquiries into her two harassment complaints were conducted. By a decision of the same day, the Secretary General notified her of his decision "to undertake two preliminary inquiries in order to shed full light on this matter"[*] and to assign her temporarily to one of the two proposed posts, for which she was to make her preference known by 15 January 2018. The complainant was also informed that the executive head had asked the Belgian authorities to make available staff specially trained in harassment cases to carry out the inquiries and that the administrative formalities to implement this arrangement were being completed.

[*] Registry's translation.

On 15 January 2018 the Secretary General appointed the two external investigators responsible for conducting the inquiries into the harassment complaints of 16 November 2017. On the same day, Mr G.-K. and Ms C. were informed that they were being investigated. The following day, the complainant was informed of the investigators' names and of the Secretary General's decision to assign her temporarily to the post of Technical Advisor in the Project Management Office, for which she had expressed a preference.

The inquiries began in January 2018 with the interview of complainant. The alleged harassers were interviewed in March 2018.

In the report concerning Mr G.-K., the investigators considered that several of the incidents mentioned revealed failings in terms of communication, without amounting to harassment, and that Interpol should make efforts to remedy these shortcomings. They left it to the disciplinary authority to decide whether Mr G.-K.'s conduct with regard to specific points in the harassment complaint warranted a disciplinary inquiry.

In the report regarding Ms C., they considered that the harassment complaint showed that several of the events to which the complainant referred had occurred, without, however, taking a view as to whether those events constituted harassment. As in their report concerning Mr G.-K., the investigators highlighted failings in terms of communication and considered that Interpol should make efforts to remedy these shortcomings. Similarly, they left it to the disciplinary authority to decide whether Ms C.'s conduct with regard to specific points in the harassment complaint warranted a disciplinary inquiry.

By a memorandum of 3 July 2018, the Secretary General notified the complainant of his decision – taken following the inquiries carried out between January and May 2018 – to dismiss her harassment complaints as unfounded, to end her temporary assignment to the Project Management Office and to place her on compulsory leave for a short period in accordance with Staff Rule 8.2.2(5) in order to resume the consideration of the adjustment of her duties which had been interrupted in November 2017.

On 1 September 2018 the complainant lodged an internal appeal against the decision of 3 July 2018 rejecting her harassment complaints, refusing to grant her request to be provided with the relating inquiry reports and placing her on compulsory leave. She asked for these measures to be withdrawn, full redress for the injury she considered she had suffered and an award of costs.

During its examination of the appeal, the Joint Appeals Committee – which had already received the complainant's first appeal lodged on 20 February 2018 against what she regarded as a removal of her duties amounting to a dismissal – received three other appeals lodged by the complainant between 27 September 2018 and 17 April 2019, concerning respectively the decision to abolish her post of Assistant Director for the Human Resources Management Sub-Directorate, the rejection of the complaint of institutional harassment she had lodged on 31 October 2018, and the Secretary General's decision of 18 February 2019 terminating her appointment, which also concerned the settlement of her pension entitlements.

Having noted the similarity of the issues involved, the Joint Appeals Committee decided to join the five appeals and alerted the Secretary General to the "multiplication of notices of challenge"[*] and "protest"[*] from claimants represented by the same counsel, which prevented it from working efficiently. The executive head reported these notices to the professional bodies to which the complainant's counsel belonged.

In its single opinion issued on 1 April 2021, the Committee stated that the Organization had scrupulously complied with the applicable rules when rejecting the harassment complaints against Mr G.-K. and Ms C. It recommended that the appeal be rejected as unfounded on this point.

By a letter of 28 July 2021, concerning the appeals dealt with by the Committee relating to her harassment complaints, the complainant was informed of the Secretary General's decision to follow this recommendation. That is the impugned decision in the present cases.

[*] Registry's translation.

In her seventh and eighth complaints, the complainant makes the same claims. She asks the Tribunal to set aside the part of the impugned decision concerning her appeal of 1 September 2018 and the entirety of the decision of 3 July 2018. She also seeks compensation for the moral injury she considers she has suffered, which she quantifies as follows in both complaints: at least 60,000 euros for the damage to her dignity, at least 30,000 euros for the flaws affecting the procedures dealing with her harassment complaints and internal appeal, at least 30,000 euros for the "wrongful reporting of her [counsel]"*, and 23,000 euros for the length of the internal appeal procedure. Lastly, she claims costs in the amount of 8,000 euros for each case.

Interpol asks the Tribunal to dismiss the complaints as unfounded.

CONSIDERATIONS

1. In her seventh and eighth complaints, the complainant impugns the Secretary General's decision of 28 July 2021 by which he informed her that he had decided to follow the recommendation contained in the opinion of the Joint Appeals Committee of 1 April 2021 to reject her internal appeal of 1 September 2018 and to confirm his previous decision of 3 July 2018 concerning, in particular, the rejection of the two complaints of moral harassment she had submitted on 16 November 2017 against the Executive Director for Resource Management, Mr G.-K., and the Human Resources Director, Ms C., respectively.

2. Interpol asks the Tribunal to consider the possibility of joining the present complaints with the six other complaints filed by the complainant on 26 October 2021. However, as the Tribunal explained in considerations 5 to 7 of Judgment 5017, also delivered this day on the complainant's second complaint, it is not appropriate to order that the present complaints be joined with any of the six other complaints.

* Registry's translation.

By contrast, as stated in consideration 7 of aforementioned Judgment 5017, the Tribunal considers that the complainant's seventh and eighth complaints should be joined so that they are dealt with in a single judgment. These complaints raise similar questions of law and of fact, and the disputed complaints of moral harassment were submitted on the same day and followed parallel procedures which, although they resulted in two separate inquiry reports, nevertheless led to the same initial decision of rejection, a single opinion of the Joint Appeals Committee and a single final decision by the Secretary General.

Furthermore, in her written submissions, the complainant herself submits that these two harassment complaints should have been examined together when determining whether they were well-founded. Lastly, as the following considerations will demonstrate, the pleas that are crucial for the outcome of each complaint are essentially the same, and the amount of compensation claimed in both complaints is the same for each head.

3. The Tribunal observes first of all that, in the complaints of moral harassment that she had submitted on 16 November 2017, the complainant insisted on the impact of the alleged conduct on her health and situation and on the humiliation and feeling of degradation that it caused her. She asked that protective measures be taken to stop the harassment and demanded damages by way of compensation.

4. The Tribunal notes that, according to the information provided by the Organization in response to requests for further submissions during the proceedings, Interpol did not have an internal harassment policy in 2017 and 2018. The Organization states that the applicable legal framework at the time consisted of the provisions of the Staff Manual relating to discipline and punishing breaches of standards of conduct by staff members. It did not adopt a formal harassment policy until January 2019.

On this point, it is clear from consideration 15 of Judgment 4207, adopted by an expanded panel of judges, that in the absence of a lawful comprehensive procedure within the Staff Regulations and Staff Rules

to deal with a claim of harassment, an international organisation has to respond to such a claim in accordance with the Tribunal's relevant case law. In that judgment, the Tribunal further pointed out the following in this regard:

> "It is well settled in the case law that an international organization has a duty to provide a safe and adequate working environment for its staff members (see Judgment 2706, consideration 5, citing Judgment 2524). As well, 'given the serious nature of a claim of harassment, an international organization has an obligation to initiate [an] investigation [...]' (see Judgment 3347, consideration 14). Moreover, the investigation must be initiated promptly, conducted thoroughly and the facts must be determined objectively and in their overall context. Upon the conclusion of the investigation, the complainant is entitled to a response from the Administration regarding the claim of harassment. Additionally, as the Tribunal held in Judgment 2706, consideration 5, 'an international organisation is liable for all the injuries caused to a staff member by their supervisor acting in the course of his or her duties, when the victim is subjected to treatment that is an affront to his or her personal and professional dignity' (see also Judgments 1609, consideration 16, 1875, consideration 32, and 3170, consideration 33). Thus, an international organization must take proper actions to protect a victim of harassment."

5. The Tribunal next observes that the Organization chose to examine these complaints of moral harassment in accordance with the provisions of Staff Regulation 12.2 and Staff Rule 12.2.2 applicable at the material time, which deal with the need to undertake a "preliminary inquiry" in order to determine the nature and circumstances of the case where there is an allegation that an official's unsatisfactory conduct or misconduct may warrant disciplinary measures. It was with reference to those provisions that the Secretary General notified the complainant of the inquiries in question and it was on the basis of those provisions that he told the appointed investigators that "[t]he purpose of [these] inquir[ies] [was] to determine whether there [was] sufficient evidence to warrant the institution of formal disciplinary proceedings"[*].

[*] Registry's translation.

The Tribunal notes that the inquiry reports concerning the complainant's complaints of moral harassment against Mr G.-K. and Ms C. also analysed and assessed the criteria for evaluating the allegedly unsatisfactory conduct of the persons against whom the harassment complaints had been brought and that the Secretary General's decision of 3 July 2018 concluded that disciplinary proceedings would not be brought against them. In the impugned decision, it also appears that the executive head endorsed the opinion of the Joint Appeals Committee, which had found that, in its view, the Organization had scrupulously complied with the rules it had itself adopted.

6. Lastly, the Tribunal observes that, in Judgment 4961, consideration 6, it pointed out the following with regard to the principles applicable to claims of harassment, which apply in the present case:

> "The Tribunal recalls that, according to its settled case law, the question whether harassment occurred must be determined in the light of a careful examination of all the objective circumstances surrounding the acts complained of (see, in particular, Judgments 4471, consideration 18, and 4241, consideration 9) and that an allegation of harassment must be borne out by specific acts, the burden of proof being on the person who pleads it, but there is no need to prove that the accused person acted with intent (see, for example, Judgments 4344, consideration 3, 3871, consideration 12, and 3692, consideration 18). When a specific procedure is laid down by the organisation concerned, it must be followed and the rules correctly applied. The Tribunal has also ruled that investigations must be objective, rigorous and thorough in that they must be conducted in a manner designed to ascertain all relevant facts without compromising the good name of the person accused and that she or he be given an opportunity to test the evidence put against him or her and to answer the charge made (see, in particular, Judgments 4663, consideration 11, 4253, consideration 3, 3314, consideration 14, and 2771, consideration 15). It is, however, understood that a staff member who alleges harassment does not need to establish, nor does the person or body evaluating the claim, that the facts establish beyond reasonable doubt that harassment occurred (see, to that effect, Judgments 4663, consideration 12, and 4289, consideration 10). The main factor in the recognition of harassment is the perception that the person concerned may reasonably and objectively have of acts or remarks liable to demean or humiliate her or him (see Judgments 4663, consideration 13, and 4541, consideration 8)."

(See also Judgment 4900, consideration 18.)

7. Among the numerous flaws alleged by the complainant in support of her two complaints, there are three that appear substantial to the Tribunal and are decisive for the outcome of the present disputes.

These flaws relate, firstly, to a breach of the adversarial principle during the inquiries, secondly, to errors of law in the handling of the harassment complaints and, thirdly, to a breach of the complainant's right to obtain the complete inquiry reports in a timely manner.

8. As regards, firstly, the breach of the adversarial principle during the two inquiries into her two harassment complaints, the complainant submits that an inquiry into allegations of harassment must involve both parties, which was clearly not the case in this instance.

9. In this respect, it is clear from the written submissions and documents in the files that, although the complainant was interviewed by the investigators, she did not receive any information from them regarding the statements taken from the alleged harassers or from the witnesses interviewed in the course of the inquiries. This being the case, the complainant was unable, for example, to challenge or clarify some of the assertions contained in these statements, or to present the investigators with the points which they could have investigated further. However, as the complainant rightly points out, in his letter of 15 January 2018 appointing the investigators, the Secretary General took care to specify that "any evidence gathered during the inquiry should be communicated to [the alleged harassers] as well as to [the complainant] so as to give them the opportunity to provide any additional information they consider relevant"[*].

10. In its written submissions, the Organization misunderstands the principles applicable in this matter. It incorrectly submits that the complainant has confused the Organization's obligations towards her with those that it owed to the staff members against whom the inquiries were directed, on the grounds that the complainant was not a party to

[*] Registry's translation.

the proceedings but merely a witness, meaning that the adversarial principle did not need to be observed in her respect.

11. However, by submitting that the purpose of an inquiry into a staff member's complaint of moral harassment is merely to determine the nature and circumstances of the case in order to ascertain whether there is sufficient evidence to warrant the institution of disciplinary proceedings, which concerns only the organisation and the staff member under investigation, Interpol misunderstood the Tribunal's well-established case law on the subject.

12. In Judgment 4781, considerations 9 to 11, the terms of which were confirmed in Judgment 4900, consideration 41, the Tribunal observed the following:

> "9. According to the Tribunal's case law, an accusation of harassment made by an official requires an international organisation to investigate the matter ensuring that due process is observed, for the protection of both the person(s) accused and the accuser (see, for example, Judgments 3617, consideration 11, 3065, consideration 10, 2973, consideration 16, and 2552, consideration 3).
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> As a result, in the event of an accusation of harassment, the adversarial principle requires, in particular, that the accuser be kept informed of the content of statements made by the person(s) accused and any testimony gathered as part of the investigation, in order to challenge them if necessary (see Judgments 4110, consideration 4, 3617, consideration 12, and 3065, considerations 7 and 8).
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> [...]
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> 10. The effect of this procedural flaw is to render unlawful the decision of 23 October 2019 to reject the complainant's internal complaint, which had therefore been taken on the basis of an unlawful investigation.
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> [...]
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> 11. It follows from the foregoing that the impugned decision of 13 August 2020 and the decisions of 23 October 2019 and 22 January 2020 must be set aside, without there being any need to rule on the complainant's other pleas against them."

(See also, to this effect, Judgments 4111, considerations 4 and 5, 4110, consideration 4, 4109, consideration 4, 4108, consideration 8, and 3617, considerations 12 and 13.)

Furthermore, in Judgment 4739, consideration 10, the terms of which were confirmed in Judgment 4900, consideration 42, the Tribunal emphasized in particular that:

> "[...] As regards the complainant's argument that his due process rights were violated, the Tribunal recalls its case law, recently confirmed in Judgment 4313, consideration 7, that 'a staff member is entitled to be apprised of all material evidence that is likely to have a bearing on the outcome of her or his claims (see Judgment 2767, [consideration] 7(a)) and that failure to disclose that evidence constitutes a serious breach of the requirements of due process (see Judgment 3071, [consideration] 37)', as well as that 'in the context of an investigation into allegations of harassment, a complainant must have the opportunity to see the statements gathered in order to challenge or rectify them, if necessary by furnishing evidence (see Judgments 3065, [consideration] 8, 3617, [consideration] 12, 4108, [consideration] 4, 4109, [consideration] 4, 4110, [consideration] 4, and 4111, [consideration] 4)'. Also, in Judgment 4217, consideration 4, the Tribunal held that 'by refusing to provide the complainant with the [investigation] report [...] during the internal appeals procedure it nevertheless unlawfully deprived her of the possibility of usefully challenging the findings of the investigation' and 'the fact that the complainant was ultimately able to obtain a copy of the report during the proceedings before the Tribunal does not remedy the flaw tainting the internal appeal process'."

13. As is evident from the foregoing considerations, the Tribunal dismissed the argument that the adversarial principle does not apply during the stage of an investigation into a harassment complaint.

In the present case, it is apparent from the files that, contrary to what is required by the Tribunal's case law (see, for example, in this respect Judgment 4781, consideration 9), the complainant was not informed, during the course of the inquiries, of the content of the observations made by the staff members against whom her harassment complaints were directed or of the statements made by the witnesses interviewed by the investigators, and that she was thus not offered the opportunity to comment on these testimonies in order to rectify them or to express her disagreement (see, for example, in this respect Judgment 3065, consideration 7).

14. It follows from these findings that the inquiries in question were not conducted in compliance with the adversarial principle and that consequently the Secretary General's decision of 3 July 2018, which rested on flawed inquiry reports, is itself unlawful (see, to this effect, Judgments 3617, consideration 12, and 3065, consideration 8).

15. Secondly, in respect of the alleged errors of law committed by Interpol when handling the harassment complaints as regards the approach taken and the intention to cause harm, the complainant submits that the Organization once again misunderstood the Tribunal's settled case law.

On this point, the files show that it is true to say that both the Organization and the investigators whom it appointed assessed the two complaints of moral harassment solely in terms of possible disciplinary proceedings against the alleged perpetrators, without taking into account the fact that, from the complainant's perspective, these harassment complaints sought recognition of harassment and included explicit claims regarding its impact on her and the need for measures to protect her and put an end to it.

16. In view of this finding, the Tribunal considers that the Organization must have been aware that, in her two harassment complaints, the complainant expressly complained of harassment against her, that her complaints were not limited to seeking disciplinary action against Mr G.-K. and Ms C., which she did not request in any case, and that the impact on her situation was the primary factor leading her to take this course of action (see, to this effect, Judgment 4663, consideration 10). It follows that, in such a situation, the Organization could not limit its examination, and, in particular, restrict the investigators' terms of reference, to the sole question of whether there were grounds for initiating disciplinary proceedings against the persons accused in the complaints.

17. In Judgment 4900, consideration 31, which concerned a similar case, the Tribunal recalled the following:

> "[T]his understanding of a harassment complaint, according to which its outcome can solely be determined from the point of view of the persons accused, who may be subject to administrative or disciplinary measures, disregards the Tribunal's case law on the matter, which recalls that a staff member who lodges such a complaint is included as a party to the procedure conducted to ascertain whether that complaint is well-founded, even though she or he will not be a party to any subsequent disciplinary proceedings taken against the perpetrator of recognised harassment. In Judgment 4547, consideration 3, the Tribunal pointed out the following in this respect:
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> > '[...] The staff member concerned is [...] entitled to know whether it has been recognised that acts of harassment have been committed against her or him and, if so, to be informed how the organisation intends to compensate her or him for the material and/or moral injury suffered (see, in this respect, Judgments 3965, consideration 9, and 4541 [...], consideration 4, both of which concern harassment complaints). In the present case, and since such an explanation of reasons could, inter alia, support a possible claim for compensation for the injury suffered, the complainant should have been adequately informed, in the President's final decision of 23 October 2018, of the reasons why the organisation did or did not recognise the existence of harassment by her supervisor (see Judgments 3096, consideration 15, and abovementioned 4541, consideration 4). As she was not, the decision of 23 October 2018 is fundamentally flawed, since the staff member who engaged the procedure, while not entitled to be informed of any measures taken against the alleged harasser, is entitled to a decision on the question of harassment itself (see, to that effect, Judgments 3096, consideration 15, 4207, considerations 14 and 15, and aforementioned 4541, consideration 4).'
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> (See also, in this connection, Judgment 4739, consideration 10.)"

18. In the present case, the Tribunal considers that the Organization misunderstood its obligations in relation to harassment and that it clearly erred in law by examining the harassment complaints only from the standpoint of the possible initiation of disciplinary proceedings. In view of the terms of reference to this effect that had been given to the investigators, their inquiry reports were irredeemably flawed on account of this initial error, and the Secretary General's decisions of 3 July 2018 and 28 July 2021 taken on the basis of these reports are themselves unlawful. Similarly, the Joint Appeals Committee erred in law in stating that the Organization had scrupulously complied with the applicable provisions, which were

limited solely to considerations relating to potential disciplinary measures, whereas it is clear from the Tribunal's well-established case law that this sole perspective erroneously disregards that of the person complaining of harassment.

19. Thus, by confining itself to investigating, firstly, whether Mr G.-K. or Ms C. were guilty of unsatisfactory conduct or misconduct and, secondly, whether there was sufficient evidence to institute disciplinary proceedings against them, Interpol infringed the complainant's right to have her harassment complaints properly determined.

20. Given the nature of the complaints of moral harassment, as formulated by the complainant on 16 November 2017, the appointed investigators and the Secretary General had a duty to consider whether the complainant had been a victim of harassment in view of the conduct complained of, whatever conclusions they might reach on the question of possible unsatisfactory conduct or misconduct which might warrant the institution of disciplinary proceedings.

However, it is clear from the terms of reference given to the investigators, the inquiry reports, the letter of 3 July 2018 and the impugned decision that the Organization only took a view on possible disciplinary action in connection with each harassment complaint, which was an error of law on its part, vitiating both the inquiry processes and the resulting decisions. Thus, Interpol did not in fact examine or respond to the question of whether the complainant had been harassed, according to her own perception and regardless of any intent to cause harm, malicious or otherwise, in view of all the allegations she had made in her two harassment complaints.

21. Furthermore, by wrongly focusing the assessment solely on disciplinary measures that could possibly result, the Organization committed a further error of law by seeking proof of intent on the part of the alleged harassers, which, once again, misconstrues the Tribunal's well-established case law.

22. In Judgment 4900, consideration 18, the Tribunal recalled that, with regard to harassment complaints, it is accepted that there is no need to prove that the perpetrator intended to cause harm, the main factor being the perception that the person concerned may reasonably and objectively have of acts or remarks liable to demean or humiliate her or him (see also Judgments 4808, consideration 17, 4663, consideration 3, 4541, consideration 8, 4207, consideration 20, and 3318, consideration 7).

23. Since the inquiry report relating to Mr G.-K. shows that the investigators expressly stated that, in their view, there was no evidence that he intended to cause harm or that he committed particular significant acts intentionally, the Secretary General's initial decision of 3 July 2018, based on the reasons set out in that report, was fundamentally flawed.

24. With regard to the inquiry report concerning Ms C., the investigators, erroneously, completely disregarded the complainant's perception of the events complained of, although the Tribunal's case law emphasizes that this perception is essential and determinative in the assessment that an organisation must carry out when it receives a harassment complaint. In Judgment 4663, consideration 13, the Tribunal noted the following in this regard:

> "Nor could the Organization ignore the complainant's perception of herself as a victim of harassment and her assertion that she had felt demeaned, degraded and humiliated by the behaviour to which she had been subjected. As the Tribunal similarly noted in Judgment 4541, consideration 8, the main factor in the recognition of harassment is the perception that the person concerned may reasonably and objectively have of acts or remarks liable to demean or humiliate her or him."

25. These errors of law also constitute substantial flaws that render both the inquiry reports and the Secretary General's contested decisions unlawful.

26. Lastly, as regards the complainant's allegation that Interpol refused to provide her with the complete inquiry reports in a timely manner, the written submissions and the evidence in the files establish that, despite her formal requests submitted in July and August 2018, she only received the complete inquiry reports during the internal appeal proceedings in December 2019 and January 2020. Although she had the opportunity to view the inquiry reports four times in the summer of 2018, it is undisputed that she was not provided with a copy, even in a redacted form, on these occasions, nor was she able to be accompanied. As the complainant rightly submits, in the present case, the consultation of the reports was not at all equivalent to their communication, especially given the size of the documents. Furthermore, it appears that a declaration of confidentiality prohibited the complainant from disclosing any information obtained during the consultation.

27. Although the complainant had the opportunity to comment on the reports in the internal appeal proceedings before the Joint Appeals Committee issued its opinion on 1 April 2021, the fact remains that they were not sent to her until very late and that the Organization once again misunderstood the Tribunal's established case law in this regard.

28. In fact, the complainant was entitled to receive the inquiry reports as they served as the basis for the contested decision of 3 July 2018 (see on this point Judgments 4663, consideration 6, 4217, consideration 4, 3995, consideration 5, and the case law cited therein). However, despite its duty to provide the reports, Interpol persisted for many months in its unjustified refusal to communicate them, in breach of the complainant's right to an effective internal appeal and consequently to due process.

29. It follows from considerations 8 to 28 above that the Secretary General's decision of 28 July 2021 and his earlier decision of 3 July 2018 rejecting the two contested complaints of moral harassment must be set aside, without there being any need to rule on the complainant's other pleas.

30. At this stage of the Tribunal's findings, the cases should ordinarily be sent back to the Organization for the procedure for dealing with these complaints of moral harassment to be restarted.

However, the complainant does not request this in her written submissions. She merely claims various sums in compensation for the moral injury she considers she has suffered. In addition, the Tribunal notes that a long period of time has elapsed since the harassment complaints were lodged in November 2017, that the complainant's appointment has since been terminated and that the alleged harassers are no longer employed by Interpol, since 5 September 2018 in Mr G.-K.'s case and since 13 November 2018 in Ms C.'s case.

In these circumstances, the Tribunal considers it inappropriate to send the cases back to the Organization. Rather, the appropriate course in this instance is to award the complainant adequate compensation for the moral injury caused by the decisions that the Tribunal will set aside. The files contain sufficient evidence and information to enable it to determine the extent of this injury.

31. With regard to the complainant's request in each of the complaints that she be awarded compensation for the moral injury suffered in the amount of, firstly, at least 60,000 euros on account of the damage to her dignity and, secondly, at least 30,000 euros on account of the flaws affecting the handling of her harassment complaints and the internal appeal procedure, the Tribunal considers that the complainant has not established how the moral injury suffered is different in each case. The Tribunal finds that there is a clear overlap in the compensation claimed in this regard and that it is not appropriate to duplicate the awards to which the complainant is entitled in this respect.

When assessing the injury suffered by the complainant, the Tribunal will take account of the fact that, although the contested decisions must be set aside on the grounds of various flaws, it does not follow from this setting aside that the complainant's harassment complaints are well-founded. However, the complainant suffered moral injury in that she was denied her right to have her harassment complaints properly investigated. In view of all the circumstances of

the case, the Tribunal considers that all the moral injury caused to the complainant by the unlawful decisions will be fairly redressed by awarding her, under this head, compensation of 20,000 euros.

The Tribunal observes that none of the other pleas against these decisions is such as to entail an increase in the amount of damages awarded.

32. Moreover, as regards the length of the internal appeal procedure, for which the complainant claims additional moral damages of 23,000 euros in each of her seventh and eighth complaints, it is the Tribunal's settled case law that officials are entitled to have their appeals examined with the necessary speed, in particular having regard to the nature of the decision which they wish to challenge (see, for example, Judgments 4922, consideration 22, 4660, consideration 24, 4457, consideration 29, or 4063, consideration 14). Furthermore, the unreasonableness of a delay in examining an internal appeal must be assessed in the light of the particular circumstances of the case and the amount of compensation liable to be granted under this head ordinarily depends on two considerations, namely the length of the delay and the effect of the delay on the employee concerned (see, for example, Judgments 4844, consideration 11, 4727, consideration 14, 4684, consideration 12, 4635, consideration 8, 4173, consideration 12, or 3160, consideration 17).

In this case, the time that has elapsed between the submission of the internal appeal on 1 September 2018 and the adoption of the impugned decision on 28 July 2021 is excessive. Although the Tribunal observed in Judgment 5018, also delivered this day on the complainant's third complaint, that this delay occurred in specific and exceptional circumstances where the complainant submitted five consecutive internal appeals stemming from the same continuum of events, resulting in extensive written exchanges of submissions that concluded in March 2020 and an examination by the Joint Appeals Committee that lasted several weeks and that those submissions reveal a particularly acrimonious antagonism between the parties which undoubtedly hindered the efficient and expeditious handling of the

cases, the fact remains that in the present case the decisions concerned complaints of moral harassment. In Judgment 4922, consideration 22, the Tribunal recalled that it has consistently emphasized the need to deal with appeals relating to harassment complaints especially quickly (see also Judgments 5058, consideration 19, 4663, consideration 19, and 4243, consideration 24).

In the circumstances, the complainant is entitled to submit that she suffered additional moral injury as a result of the excessive length of the internal appeal proceedings relating to her seventh and eighth complaints. The Tribunal considers that the moral injury suffered by the complainant on this account will be fairly redressed by ordering the Organization to pay her total compensation of 5,000 euros for both complaints.

33. Lastly, the complainant claims moral damages of at least 30,000 euros in each of her two complaints on account of what she describes as the Organization's "wrongful reporting of her lawyer"[*] to the professional bodies to which he belongs.

However, as the Tribunal stated in aforementioned Judgment 5018, firstly, under its Statute, it is not within the Tribunal's jurisdiction to determine whether reports made by an international organisation to the professional bodies of a staff member's counsel can be described as wrongful or unfounded. In addition, the professional bodies did not take any action in response to Interpol's reports. Secondly, the complainant's allegation that these reports hindered her right to an effective internal appeal is not established in the present case.

This additional claim for moral damages is therefore unfounded.

34. As she succeeds, the complainant is entitled to costs, which, in view of the similarity of the arguments submitted in the two complaints, the Tribunal sets at a total amount of 8,000 euros.

[*] Registry's translation.

DECISION

For the above reasons,

1. The decision of the Secretary General of Interpol of 28 July 2021 as well as the decision of 3 July 2018 are set aside.
2. Interpol shall pay the complainant moral damages in a total amount of 25,000 euros.
3. It shall also pay her 8,000 euros in costs.
4. All other claims are dismissed.

In witness of this judgment, adopted on 20 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.