

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

R. (No. 4)

v.

UNESCO

140th Session

Judgment No. 5055

THE ADMINISTRATIVE TRIBUNAL,

Considering the fourth complaint filed by Mr . B. R. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 26 September 2023, UNESCO's reply of 11 January 2024, the complainant's rejoinder of 14 March 2024 and UNESCO's surrejoinder of 13 June 2024;

Considering the documents submitted by the parties on 19 and 20 May 2025 in response to a request 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 case may be summed up as follows:

The complainant challenges the decision to summarily dismiss him.

The complainant had been a staff member of UNESCO at the Organization's Headquarters since 1 August 1992. He was reappointed several times, latterly on fixed-term contracts, the last of which expired on 30 April 2025. He was successively promoted until reaching grade P-5 with effect from 14 March 2008 within the Communication and Information Sector (CI) in the Knowledge Societies Division as Chief of the Section for Universal Access and Preservation, a role he held

until shortly before his summary dismissal for disciplinary reasons, decided on 25 March 2020.

On 18 June 2018 the Director of the Bureau of Human Resources Management (DIR/HRM) notified the complainant of the Director-General's intention, having noted that he had served continuously at Headquarters for nearly 26 years, to transfer him to a field post, and mentioned three proposed geographical postings. On 3 July 2018 the complainant replied that he was interested in such a transfer but only "at the end of the biennium"* finishing at the end of 2019, because of both his professional responsibilities in his department and his family duties, the latter concerning mainly the custody of his minor daughter granted by his decree of divorce. Exchanges between the complainant and DIR/HRM continued throughout 2018, without the complainant's envisaged transfer in 2018 being pursued.

On 7 December 2018, as part of the introduction of a new mobility policy, Administrative Circular AC/HR/65 was published, amending, in particular, the provisions on geographical mobility exercises laid down in Item 5.10 of the Human Resources Manual (hereinafter "the HR Manual"), inter alia on the possibility of deferring a reassignment on personal grounds.

On 25 February 2019 the complainant was informed that he had been included in the 2019 geographical mobility exercise and that he would therefore be invited to consider the vacancies and to apply for up to three of them. On 15 March 2019 he submitted a request for a deferment of his reassignment on personal grounds.

On 5 April 2019 the complainant was informed that his request for deferment had been rejected and that he had been retained in the "mobility pool"* . That decision is the subject of the complainant's third complaint to the Tribunal, ruled on in Judgment 5052, also delivered this day.

On 10 July 2019 the complainant was notified, by an email from the Mobility Team acting on behalf of DIR/HRM, of the Director-General's decision to reassign him to the post of Head of Office in

* Registry's translation.

Brazzaville and UNESCO Representative in the Republic of Congo, to take up his post “by 1st October 2019, subject to receipt of Government clearance [...], appropriate visas and a satisfactory medical examination”. That decision is the subject of the complainant’s second complaint to the Tribunal, ruled on in Judgment 5053, also delivered this day. As clearance was refused by the Congolese Government, the complainant was informed accordingly on 23 October 2019, and the transfer could not take place.

In the meantime, the post which the complainant held was advertised for recruitment on 15 August 2019 in the 2019 geographical mobility exercise, then assigned on an *ad interim* basis to another person on 9 October. At the same time, on 22 October 2019, the complainant was temporarily reassigned to the sector Priority Africa and External Relations (PAX) to carry out a temporary mission at the Kingston Office, Jamaica, from 28 October 2019 to 31 January 2020.

On 24 October 2019, that is the day after the notification that the Congolese Government had refused to grant him clearance, the complainant asked the Assistant Director-General for Administration and Management (ADG/ADM) to be reinstated in his former post at Headquarters, arguing that his temporary assignment to Kingston had become pointless because it had only been put in place pending clearance by the Congolese Government. ADG/ADM replied on 25 October 2019 that his short-term mission would proceed as planned and invited him to contact the PAX administrative unit and make the necessary arrangements to take up his duties as soon as possible. However, on 26 and 31 October 2019 the complainant reiterated his request for reinstatement in his former post at Headquarters and for the ongoing recruitment procedure for that post to be suspended.

On 5 November 2019 the complainant wrote to DIR/HRM to review his administrative situation, reminding her of his requests to ADG/ADM and asking for an end to be put to the “institutional harassment”^{*} to which he considered he had been subjected. On 13 November 2019 the new DIR/HRM asked the complainant to take up

^{*} Registry’s translation.

his duties in Kingston immediately, failing which he would be placed on special leave with pay and “action” would be taken accordingly. She also informed him that the Director-General had rejected his requests of 31 October 2019 for reinstatement in his former post and for the cancellation of the recruitment procedure for that post. DIR/HRM added that he would be informed of his next posting shortly. That decision is the subject of the complainant’s sixth complaint to the Tribunal, ruled on in Judgment 5056, also delivered this day.

Meanwhile, following his mother’s death, the complainant was granted special leave with pay from 11 to 23 November 2019, then family leave from 25 to 29 November. DIR/HRM therefore asked him to begin his short-term mission in Kingston on 2 December 2019. On 18 November 2019 the complainant asked the Assistant Director-General for the PAX Sector for a copy of the report on the operations of the Kingston Office, which was sent to him.

However, the complainant was on sick leave from 6 to 13 December 2019, and then on annual leave from 16 to 20 December 2019, with the result that, at that date, he had not yet begun his temporary mission.

On 6 January 2020 the complainant was notified of the Director-General’s decision to reassign him from 20 January at the latest, to the newly created post of Senior Programme Coordinator in the UNESCO Office in Kingston for a period of two years. That decision is challenged in his fifth complaint before the Tribunal, ruled on by Judgment 5054, also delivered this day. However, the complainant failed to report to his duty station and so did not take up his duties there.

On 21 January 2020 DIR/HRM informed the complainant, by a charge letter, that disciplinary proceedings had been initiated against him for insubordination constituted by his refusal to report to his duty station and to take up his duties there during his temporary mission and upon his subsequent transfer for a two-year period. She added that he would be placed on special leave with pay with immediate effect until further notice.

After an initial meeting with ADG/ADM and DIR/HRM on 10 February 2020, the complainant submitted his observations on the charge letter on 13 February 2020. After disputing the insubordination of which he was accused in the letter, the complainant stated that he had never refused to leave for the Kingston Office, but that he had requested reasonable time in which to complete his transfer. He therefore requested that he be granted a period of three months, as was customary practice, as from 6 January 2020.

On 16 March 2020 the French Government announced the first national lockdown owing to the Covid-19 pandemic with effect from 17 March 2020.

A second meeting, held by videoconference, was organised on 24 March 2020 between the complainant, ADG/ADM and DIR/HRM. At this meeting, the complainant was clearly required to choose between one of the two following options: either comply with the transfer decision, withdraw his appeals to the Appeals Board and remain a staff member of UNESCO; or maintain these appeals and be subjected to the disciplinary sanction of summary dismissal for insubordination with immediate effect. According to the Organization, the complainant “rejected this proposal for an amicable resolution of the pending proceedings”*, while the complainant contends that he requested that everything be submitted to him in writing.

On 25 March 2020 the complainant was notified of the Director-General’s decision to impose on him the disciplinary measure of summary dismissal for serious misconduct due to the insubordination constituted by his general disregard for instructions issued by the Director-General and senior officials under her authority, evidenced by his refusal to report to his duty station in Kingston and to take up his duties there, initially during his temporary mission and subsequently upon his transfer for a period of two years.

On 23 April 2020 the complainant submitted a protest to the Director-General against that decision. He asked her to cancel his summary dismissal with immediate effect, to fully restore his right to

* Registry’s translation.

hold an established post in the Organization, commensurate with the level of his duties, qualifications and responsibilities, and to award compensation for his injury. According to him, the disciplinary procedure had been flawed, in particular owing to the lack of a preliminary investigation by the competent department, while the allegation of insubordination was totally unsubstantiated by evidence, a new charge had been listed by the Director-General which did not appear in the charge letter, and the disputed decision was tainted by an abuse of authority and constituted retaliation against him on account of the multiple internal appeals he had lodged.

As he did not receive a reply, on 3 June 2020 he submitted a notice of appeal against this implied decision of rejection, but on 12 June he was notified of the Director-General's decision to reject his protest of 23 April 2020. The complainant therefore submitted a new notice of appeal on 23 June 2020 and lodged his detailed complaint on 20 July 2020. The two appeals were joined on 24 July 2020.

On 30 October 2020 the French Government announced the second national lockdown owing to the Covid-19 pandemic.

As the Organization filed its reply with the Appeals Board on 7 January 2021, the Board held, at the complainant's request, an in-person hearing on 2 February 2023 to consider his two appeals. In its report (CAP/494), issued on 26 June 2023, it recommended, without straightforwardly proposing that the decision of summary dismissal be cancelled, that the proportionality of the sanction be reviewed. It considered that the complainant was required to obey the instructions relating to successive attempts to reassign him and that his refusals and omissions constituted misconduct without the need for a preliminary investigation by the Internal Oversight Service (IOS) to confirm this. With regard to the decision to summarily dismiss him, the Board considered that it complied with the provisions in force and with the case law, but that the Organization should take into account his 26 years of service and his good conduct, as well as the brevity of the time limits set during the pandemic.

In the meantime, on 3 April 2021, the French Government had announced the third national lockdown owing to the Covid-19 pandemic.

On 3 July 2023 the complainant was informed of the Director-General's decision to reject his appeal. The Director-General took note of the Appeals Board's confirmation that the sanction imposed had been legitimate, but decided not to follow the recommendation to review it on the grounds that the time limits set by the Organization had been reasonable and were "extended several times in order to satisfy [the complainant]". She insisted on the complainant's unwillingness to comply with instructions and considered that "length of service and the absence of previous criticisms [were] not in themselves capable of justifying a review of the contested measure in view of the seriousness of the misconduct". That is the impugned decision.

The complainant asks the Tribunal to set aside the initial decision of summary dismissal of 25 March 2020 and to restore his right to hold an established post at UNESCO commensurate with the level of his duties, qualifications and responsibilities. He seeks an order for compensation of 2,000,000 United States dollars for the professional, personal, psychological, moral, physical, financial and intellectual injury resulting from the impugned decision and from all the decisions impugned in his other complaints before the Tribunal, which he describes as unlawful and constituting institutional harassment. He also requests the Tribunal to order payment of the allowances forfeited on his summary dismissal, to find that the time taken to deal with his internal appeal was unreasonable and such as to cause him injury, and to order the award of costs. Lastly, he requests that the present complaint be joined with his other complaints pending before the Tribunal.

UNESCO asks the Tribunal to dismiss the complaint in its entirety as unfounded.

* Registry's translation.

CONSIDERATIONS

1. The complainant requests the setting aside of the Director-General's decision of 3 July 2023 confirming her decision of 25 March 2020 to summarily dismiss him on grounds of insubordination.

2. In four other complaints filed with the Tribunal, the complainant also seeks the setting aside of the decisions to refuse to defer his geographical reassignment, to reassign him to Brazzaville, to reassign him to Kingston, to refuse to reinstate him at Headquarters, and to reject his complaints of harassment.

The complainant seeks the joinder of the present complaint with these four other complaints. However, in Judgment 5052, also delivered this day, the Tribunal has already dismissed a request for the joinder of the same complaints. There is therefore no need to make a further decision on this matter.

3. The provisions relevant to an examination of the complainant's various pleas in support of his complaint may be summarised as follows:

– Staff Regulations 1.1 and 1.2:

“1.1 [...] By accepting appointment, [staff members] undertake to discharge their functions and to regulate their conduct with the interests of the Organization only in view.

1.2 Staff members are subject to the authority of the Director-General, and to assignment by him or her, with due regard to their qualifications and experience, to any post in the Organization. They are responsible to him or her in the exercise of their functions.”

As the Tribunal has already noted, these texts are in keeping with the general principles of the international public service, which affirm the priority of the general interest, represented in each organisation by the Director-General, over individual interests (see Judgment 325).

– Staff Regulations 10.1 and 10.2:

“10.1 Failure by a staff member to comply with his or her obligations under the Constitution, the Staff Regulations and Staff Rules or other administrative issuance, or to observe the Standards of Conduct expected of an international

civil servant, may amount to misconduct, and may lead to the institution of disciplinary proceedings and the imposition of disciplinary measures for misconduct.

10.2 The Director-General may impose disciplinary measures on staff members who engage in misconduct. Notwithstanding the provisions of Regulation 10.1, the Director-General may summarily dismiss a member of the staff for serious misconduct.”

– Staff Rule 110.1:

“(a) The disciplinary measures which the Director-General may impose on staff members for misconduct are:

[...]

(vii) termination;

(viii) summary dismissal.”

– Human Resources Manual (hereinafter “the HR Manual”):

“11.1 Introduction

[...]

D. Roles and Responsibilities

4. For the purpose of this item, the below-mentioned services have the following responsibilities:

(a) The Internal Oversight Service (IOS) is responsible for conducting a preliminary assessment on the allegations of misconduct and for conducting the investigation. The purpose of an investigation is to examine and determine the veracity of allegations of any misconduct or other irregularity affecting the Organization or its projects, assets or personnel.

(b) The Assistant Director-General for Administration (ADG/ADM) is responsible for making a recommendation to the Director-General as to whether a case should be pursued or not, upon advice from DIR/HRM.

(c) Director HRM (DIR/HRM) is responsible for handling the disciplinary proceedings in compliance with the present item and provide advice to ADG/ADM for the Director-General’s decision. [...]

[...]

11.3 Investigation and disciplinary proceedings

A. Reporting suspected misconduct

1. All UNESCO employees have an obligation to report any observed instance of alleged or suspected misconduct and to cooperate with duly authorized audit or investigations.
2. All allegations of misconduct shall be reported to IOS for a preliminary assessment (screening).

[...]

4. Upon receipt of an allegation of misconduct, IOS initiates a screening in order to assess whether or not the allegation warrants the opening of a formal fact-finding investigation.

[...]

B. Investigation

6. The authority to open an investigation, or to close a case and not to open an investigation, rests solely with Director IOS.
7. If Director IOS considers that there are grounds to pursue the matter, he/she shall instruct the Investigation Unit to open a formal investigation. [...]
8. The staff member concerned shall be notified of the investigation no later than at the beginning of the interview with IOS.
9. During the investigation, the staff member who is the subject of the investigation shall be interviewed by IOS and be given the opportunity to provide evidence. [...]
10. At the conclusion of the investigation, DIR/IOS shall submit the investigation report to ADG/ADM. The investigation report shall contain all relevant facts, as well as documents and signed witness statements of the subject of the investigation and witnesses. IOS establishes the facts and concludes whether, on the basis of the factual findings, the allegations of misconduct are substantiated. IOS communicates the report to ADG/ADM for consideration of administrative or disciplinary measures as appropriate.

[...]

D. Decision to initiate disciplinary proceedings or close a case

12. Upon receipt of the investigation report, ADG/ADM shall, upon advice from Director HRM, make a recommendation to the Director-General:
 - (a) To initiate disciplinary proceedings, if, based on the report, the allegations of misconduct are substantiated;

- (b) To close the case, if based on the report, the allegations of misconduct are not substantiated. ADG/ADM may recommend appropriate administrative and/or other managerial measures as may be warranted.
- 13. The Director-General shall decide whether disciplinary proceedings shall be initiated or whether the case should be closed; and in the latter case, whether administrative and/or other managerial measures shall be taken.

[...]

E. Disciplinary proceedings

- 15. Upon the Director-General's decision to initiate disciplinary proceedings, DIR/HRM shall communicate to the staff member a charge letter informing him or her of the allegations against him or her and his or her right to respond as well as advising him or her of his or her right to seek assistance from a staff member or from a former staff member.
- 16. A copy of the investigation report, along with its annexes, shall be attached to the charge letter. [...]

[...]

G. Recommendation of Summary Dismissal

- 24. If the evidence resulting from the investigation indicates that serious misconduct has occurred and that its gravity or the consequences thereof warrant immediate separation from service, and the reply by the staff member concerned fails to rebut the allegations or to produce countervailing evidence, ADG/ADM shall submit to the Director-General a recommendation for summary dismissal of the staff member concerned.
- 25. If the Director-General accepts the recommendation and decides to summarily dismiss the staff member, the staff member shall be notified of that decision in writing.

[...]

J. Due process

- 42. No disciplinary measure may be imposed on a staff member following the completion of an investigation unless he or she has been notified, in writing, of the formal allegations of misconduct against him or her and has been given the opportunity to respond to those formal allegations.

[...]

44. Any disciplinary measure imposed on a staff member shall be proportionate to the nature and gravity of his or her misconduct, and shall take into account any mitigating or aggravating circumstances.
45. Upon exhaustion of the internal appeal procedure, a staff member upon whom disciplinary or administrative measures have been imposed, may file a complaint challenging the imposition of such measures before the Administrative Tribunal of the International Labour Organization under Staff Regulation 11.2.

[...]

11.5 Disciplinary measures

A. Disciplinary measures

1. Misconduct may lead to the imposition by the Director-General of one or more of the disciplinary measures listed in Staff Rule 110.1 (a) he or she deems appropriate to the gravity of the case:

[...]

- (g) Termination, and
- (h) Summary dismissal.

[...]”

4. Among the complainant’s various pleas, there is one that is decisive for the outcome of this dispute. It concerns the lack of a screening by DIR/IOS and the absence of a formal investigation by the IOS Investigation Unit before disciplinary proceedings were initiated.

The complainant submits that, in accordance with the provisions quoted above, disciplinary proceedings can only be legally initiated after the completion of a screening and investigation by IOS, which alone has the authority to establish the facts with a view to ascertaining whether allegations of misconduct are well-founded.

The Organization argues that, in the present case and notwithstanding the applicable provisions, the complainant’s conduct, which constituted insubordination and justified the disciplinary measure imposed, was based on fully established facts, without the need for a preliminary assessment by Director IOS and a formal investigation by the IOS Investigation Unit. In its view, the complainant misunderstands the scope and purpose of a preliminary assessment and a formal investigation by IOS, and in his arguments, he confuses the opening of a preliminary

investigation with the initiation of disciplinary proceedings strictly speaking, given that, in the circumstances of the case, the absence of a formal investigation by IOS did not constitute an abuse of authority. Such an investigation is only necessary when the conduct on the basis of which disciplinary proceedings are initiated is not already sufficiently established or remains in dispute. It adds that the Appeals Board unanimously considered in its opinion that “the constituent elements of misconduct [were] sufficiently established in this case without the need for a preliminary investigation”^{*}.

5. The Tribunal considers that it is apparent from all the aforementioned provisions, as they are framed, that any allegation of misconduct must be screened by DIR/IOS and formally investigated by the IOS Investigation Unit before the Director-General can decide to open disciplinary proceedings. The involvement of an autonomous department responsible for giving a completely independent opinion as to whether the conduct of which the staff member is accused is established and, where applicable, wrongful, appears to be an essential safeguard afforded to any staff member charged with misconduct.

The Tribunal notes, moreover, that, as the complainant rightly points out, paragraph 16 of Item 11.3 of the HR Manual provides that a copy of the investigation report must be attached to the charge letter, which confirms that an investigation is mandatory.

It follows that the absence of involvement by IOS in the stage prior to the initiation of disciplinary proceedings strictly speaking tainted those proceedings with a substantial procedural defect which, by itself, warrants the setting aside of the impugned decision.

6. It follows from the foregoing that the Director-General’s decision of 3 July 2023 as well as the decision of 25 March 2020 must be set aside, without there being any need to rule on the complainant’s other pleas.

^{*} Registry’s translation.

7. The complainant asks for full restoration of his right to hold an established post within the Organization “commensurate with the level of his duties, qualifications and responsibilities”*, which amounts to a request for reinstatement.

However, the Tribunal considers that there are no grounds for reinstatement in view, firstly, of the time that has elapsed since the events and, secondly, of the fact that the complainant held a fixed-term appointment. On this last point, it should be recalled that, according to settled case law, the reinstatement of a staff member holding a fixed-term contract is ordered only in exceptional cases (see, in particular, Judgments 4924, consideration 12, 4674, consideration 23, and 4063, consideration 11). However, the present case does not fall into that category.

8. With regard to the injury he considers he has suffered, the complainant alleges “professional, personal, psychological, moral, physical, financial and intellectual”* injury which considerably affected his family and social life and damaged his dignity and professional reputation, as well as his career and promotion prospects within the Organization. He further submits that he was forced to take early retirement even though he expected to continue his career with the Organization until retirement age.

He also considers that the various decisions that were taken in his respect and which are the subject of separate complaints before the Tribunal are in fact interdependent.

He therefore claims compensation in the amount of 2,000,000 United States dollars to cover all the injury suffered, including “damages for wrongdoing and compensation for lost salaries, pensions and benefits”*, as well as “payment of all the allowances withdrawn as a result of the decision of summary dismissal”*.

* Registry’s translation.

9. Firstly, the Tribunal recalls that it refused to grant the complainant's requests for joinder of his various complaints, which in any event precludes an award of overall compensation for the injury resulting from any unlawfulness of the decisions impugned in this and the other complaints.

10. Secondly, as regards the material injury that the complainant alleges he has suffered owing to his summary dismissal for serious misconduct, the Tribunal considers that, given the circumstances of the case and the particularly strained relationship which, according to the file, had developed between the complainant and the Organization during the final months of his employment, there was no realistic prospect of his current fixed-term contract being renewed upon its expiry. No compensation for the loss of a valuable opportunity to receive such a renewal will therefore be awarded to the complainant.

However, he is entitled to the payment of the salaries, allowances and other financial benefits of any kind which he would have received if his employment relationship with UNESCO had continued until the end of his contract, i.e. until 30 April 2020. The Organization will also pay him the equivalent of the contributions it would have had to make to the United Nations Joint Staff Pension Fund in that hypothesis. The Organization is entitled to deduct from this sum any earnings from employment, as well as any retirement pension payments, that the complainant may have received for this period.

11. Thirdly, the Tribunal considers that it is apparent from the file that the complainant showed scant concern for complying with the Director-General's decisions concerning his short-term mission and subsequent reassignment to Kingston, although, despite having challenged these decisions, he was required to obey them. The fact that one of the decisions in question was set aside by Judgment 5054, also delivered this day, is irrelevant in this respect. It is obvious that the complainant had not taken any tangible steps indicating an intention to comply with these decisions. In view of this finding in particular, the Tribunal considers that, in the specific circumstances of the case, fair compensation will be made for the moral injury alleged by the

complainant by ordering the Organization to pay him compensation in an amount limited to 10,000 United States dollars, despite the type of decision that has been found unlawful, namely summary dismissal.

12. The other heads of injury alleged by the complainant are not sufficiently substantiated to give rise to any entitlement to compensation.

13. The complainant also seeks compensation for the injury caused to him by the excessive delay in the internal appeal procedure that he initiated in the present case, which lasted nearly three years.

According to the Tribunal's case law, international civil servants are entitled to expect that their cases will be considered by internal appeal bodies within a reasonable timeframe and that failure to comply with this requirement of expeditious proceedings constitutes misconduct on the part of the organisation concerned (see Judgments 4727, consideration 14, 3510, consideration 24, and 2116, consideration 11). Moreover, the amount liable to be granted under this head ordinarily depends on two essential considerations, namely the length of the delay and the effect of the delay on the employee concerned (see Judgments 4727, consideration 14, 4635, consideration 8, 4178, consideration 15, 4100, consideration 7, and 3160, consideration 17).

In the present case, it is not unreasonable for the Organization to have considered that it was inappropriate to organise face-to-face meetings of the Appeals Board during the Covid-19 pandemic, especially as strict rules had been laid down by the French authorities for the three lockdowns ordered during the pandemic. Nor can the complainant complain that a virtual meeting of the Appeals Board was not arranged during that period, since he himself expressly declined that possibility in an email of 19 March 2021.

Although the complainant submits that he had requested, on various occasions and the first time by an email of 3 June 2022, that a face-to-face meeting of the Appeals Board be organised since the restrictions relating to the Covid-19 pandemic had been "lifted [...]" for

several months”*, the eight-month period taken to organise such a meeting does not appear excessive given that, as the Organization rightly observes, the complainant’s appeal was considered on 2 February 2023, at the first meeting that could be held face-to-face by the Appeals Board after the restrictions had been lifted.

It is therefore not appropriate to grant the complainant’s claim for compensation under this head.

14. Taking the view that he fulfils the conditions laid down in the Tribunal’s case law, the complainant also requests that the Organization be ordered to pay him “exemplary damages”* and “punitive damages”* on account of its conduct towards him.

As regards the claim for exemplary damages, the complainant does not in any event substantiate it in his submissions.

The Tribunal further recalls that punitive damages may be awarded only in exceptional circumstances (see, in particular, Judgments 4659, consideration 14, 4658, consideration 10, 4506, consideration 10, and 4391, consideration 14), that is, if a complainant has provided persuasive evidence and analysis to demonstrate that there was bias, ill will, animosity, malice, bad faith or other improper purpose attending the impugned decision, which does indeed justify the conduct of the Organization being sanctioned by an order to pay such damages (see Judgments 4820, consideration 22, 4690, consideration 16, and 4633, consideration 16).

In the light of this case law, the Tribunal considers that there are no such exceptional circumstances in the present case.

These claims will therefore be dismissed.

15. As he succeeds, the complainant is entitled to costs, which the Tribunal sets at 1,000 euros in view of the fact that he did not engage counsel.

16. All other claims must be dismissed.

* Registry’s translation.

DECISION

For the above reasons,

1. The decision of the Director-General of 3 July 2023 and that of 25 March 2020 are set aside.
2. UNESCO shall pay the complainant material damages calculated as indicated in consideration 10, above.
3. The Organization shall also pay the complainant moral damages of 10,000 United States dollars.
4. It shall also pay him 1,000 euros in costs.
5. All other claims are dismissed.

In witness of this judgment, adopted on 23 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 CLÉMENT GASCON

RENÉ M. VARGAS M.