

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**E.-M.**

**v.**

**WHO**

**141st Session**

**Judgment No. 5151**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr M. E.-M. against the World Health Organization (WHO) on 22 February 2022 and corrected on 20 June 2022, 5 July 2022 and 18 September 2022, WHO's reply of 23 February 2023, the complainant's rejoinder of 12 April 2023 and WHO's surrejoinder of 5 July 2023;

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 contests the decision to close his harassment complaint.

At the relevant time, the complainant was employed, under temporary contracts, in the Imprest Unit of the Department of Finance and Administration at the WHO Regional Office for the Eastern Mediterranean (EMRO), and was holding a G-4 grade. During his tenure with WHO, he applied for various higher-grade positions within EMRO and was not successful. In September 2017, believing that his responsibilities exceeded the G-4 grade, he requested a "desk audit" of his position to evaluate and verify his grade.

On 5 July 2018, the complainant filed with WHO's Office of Internal Oversight Services (IOS) a harassment complaint against his supervisor, Mr R. In his harassment complaint, the complainant was alleging, among other things, that Mr R. shouted at him on 31 October 2017, that he made derogatory comments against him during a 15 May 2018 meeting and that he made "[m]alicious and false complaints of behavior and misconduct to ruin and destroy [his] image within WHO". The complainant's allegations of harassment also involved delays in completing his performance appraisal reports as well as delays or failures to approve his leave requests. The complainant supplemented his harassment complaint on 28 September 2018, 20 November 2018, and 20 December 2018.

In November 2018, the complainant submitted another request to "verify and evaluate" the grade of his position.

On 29 November 2018, the complainant was notified that his temporary appointment would not be renewed beyond 31 December 2018.

By email of 5 December 2018, the complainant contacted WHO's Global Board of Appeal (GBA), asking "if there [was] any time limit to file an appeal based on received harassment". On 6 December 2018, the GBA responded to the complainant that "[i]t [was] not clear whether [he] [had] followed the procedures to resolve a case of harassment [...] or if [he] [had] received a decision regarding a harassment complaint". The GBA provided the complainant with a copy of the Policy on the Prevention of Harassment at WHO ("the Policy") and added that, in case he had already received a decision regarding a formal harassment complaint and wished to appeal such decision, "[he] [had to] submit a Statement of Appeal to the GBA within 90 calendar days from the date [he] received written notification of the decision".

On 15 January 2019, the complainant submitted a request for administrative review against the non-renewal of his appointment, rejections of requested leave, rejection of his request for a "desk review" and the non-completion of his performance appraisal reports. He requested that the selection process for a G-6 position be halted, that he be directly appointed to a G-6 position, that a "desk review" of his

G-4 position be carried out, that he be paid the salary difference between a G-4 and a G-6 position, as well as that his performance appraisal reports be finalized and that their “humiliating” content be erased. He further asked to “settle” a two-day annual leave request and a certified sick leave request. Lastly, he asked for “[c]ompensation [for the alleged] harassment received from supervisors and [the Regional Staff Physician]”.

On 14 June 2019, the Assistant Director-General, Business Operations (ADG/BOS), issued a decision on the complainant’s request for an administrative review. The ADG/BOS found that the contested administrative decisions did not result in the non-observance of the complainant’s terms of employment and that there was no basis for the redress measures sought. The ADG/BOS however decided to award the complainant “i) ten days of sick leave and ii) a letter certifying [the complainant’s] satisfactory service with the Organization”, “in an effort to resolve [the] matter amicably”. Regarding the complainant’s allegations of harassment, the ADG/BOS noted that the complainant had been previously informed by the Human Resources Department on 20 March 2019 that allegations of this type were beyond the scope of the administrative review process and needed to be made and handled according to the Policy.

On 10 September 2019, the complainant filed an appeal against the 14 June 2019 decision (GBA appeal No. 106). In his statement of appeal, he asked that his case be considered “as an overall harassment case”.

On 12 December 2019, IOS issued investigation report No. 2018/075, upon completion of its investigation into the complainant’s harassment complaint. In the “Executive Summary” section of the investigation report, IOS indicated that it did not address in the report the complainant’s allegations involving a denied sick leave request and his non-selection for various positions in EMRO “other than to summarize that it was the determination of IOS that the actions of the implicated staff members constituted the reasonable discharge of managerial duties”. IOS further noted that “[the complainant]’s communication with management, both in terms of performance shortfalls and his

attempts to address his non-selection(s) to the posts he had applied for, formed the basis of his perceived harassment”. IOS concluded that only one of the complainant’s allegations of harassment was substantiated, namely that his supervisor used an inappropriate tone towards him during a meeting on 15 May 2018. However, IOS observed that such a one-time incident could not be regarded as harassment since the complainant’s tone during the meeting was also inappropriate. IOS recommended that the Regional Director of EMRO, after having received the views of the Global Advisory Committee on Harassment (GAC), decide on the course of action to be taken in accordance with the Policy.

In March 2020, the GBA issued its report about GBA appeal No. 106. The GBA reached the following conclusions: (i) the complainant could not request to be appointed directly, without competition, to the G-6 post; (ii) the complainant could not request to halt the selection proceedings for the G-6 post; (iii) classification reviews do not apply to staff members holding temporary appointments, like the complainant; (iv) the complainant’s request to be paid the salary difference between grades G-4 and G-6 was time-barred; and (v) the complainant’s requests related to the rejection of his sick leave and annual leave requests were also time-barred. In addition, the GBA found that the complainant’s separation from service was “procedurally correct”. It nevertheless “express[ed] concern with the circumstances in which the non-renewal of the [complainant]’s appointment occurred”, taking note that the complainant’s position was a “key position” within EMRO. The GBA also observed that the failure to complete one performance appraisal report was due to the complainant’s refusal to sign it. However, it found that the complainant “did not have an opportunity to demonstrate his ability to learn and improve the issues identified in the [performance appraisal reports]” and recommended that the complainant be awarded 3,000 United States dollars as compensation. Lastly, the GBA indicated in its report that it did not review the complainant’s allegations of harassment “as [he] ha[d] not exhausted all the internal procedures”, taking note that any decision taken concerning the complainant’s harassment complaint should be appealed separately.

On 7 July 2020, the Director-General rendered his decision on GBA appeal No. 106, in which he accepted the findings and recommendations of the GBA.

The GAC, who was provided with a copy of the IOS investigation report on 14 May 2020, held a meeting on 30 July 2020. In its report, dated 4 August 2020, the GAC “agreed that IOS did a thorough job, segregating the facts reported, reviewing extensive documentation and interviewing a large number of colleagues and supervisors”. The GAC further agreed, based on the IOS report, that “there was no harassment”. The GAC however noted that “the overall lack of trust, inconsistency in communication despite the use of proactive communication for conflict resolution, as well as the inappropriate use of the 2018 Performance appraisal process led to a perception of harassment”. The GAC recommended to close the case with managerial action, namely that supervisors be reminded – through regular training – of the importance of conflict resolution, proactive and constructive communication and that they make better use of the performance appraisal process, including by relying on a performance improvement plan (PIP) when needed.

On 5 August 2020, the GAC’s recommendations were transmitted to the Regional Director of EMRO.

By letter dated 1 October 2020, the Regional Director of EMRO notified the complainant that he agreed with the findings and conclusions of IOS and the GAC on his harassment complaint and that he had decided to close the case with managerial action in accordance with paragraph 7.19(ii) of the Policy.

On 28 December 2020, the complainant lodged an appeal to the GBA, directed against the 1 October 2020 decision (GBA appeal No. 143).

In its report dated 5 July 2021, the GBA recommended to dismiss GBA appeal No. 143. The GBA noted that some of the complainant’s allegations and claims made in his appeal were irreceivable as they were already considered as part of GBA appeal No. 106. The GBA further noted that the scope of GBA appeal No. 143 should be limited to the complainant’s 5 July 2018 harassment complaint as well as his

additional submissions to IOS. Regarding the merits of the appeal, the GBA found that the complainant's harassment complaint had been reviewed in accordance with the regulatory framework, that the length of the procedure was not excessive or unjustified in the circumstances, that there was no manifest error or misapprehension of the facts in the IOS review, and that the GAC was correct in recommending that the harassment was not established. The GBA concluded that the decision of the Regional Director of EMRO to close the case with managerial action correctly took into account the facts presented, was substantiated and was in accordance with the applicable procedures. Lastly, the GBA did not find evidence of bias, prejudice or unfair treatment against the complainant.

On 25 November 2021, the Director-General issued his decision on GBA appeal No. 143, in which he accepted the recommendations of the GBA. This is the impugned decision.

The complainant asks the Tribunal to order WHO to issue a "performance letter" stating that his performance "exceeded expectations" during his tenure at WHO. He claims moral and material damages totalling 1,000,000 United States dollars. Specifically, he requests compensation for the salary difference between a G-4 grade and a G-6 grade during his years of service, as well as the payment of four months of salary in relation to his separation. Additionally, he seeks compensation for not being selected for a G-5 position, for lost annual leave and sick leave days, and for the "lost benefits for [his] dependents" due to the non-renewal of his contract. He claims moral damages for the "[h]arm done to [his] family many years without [a] job", for being "forced" to compete for a G-5 position, for damage to his reputation and image, and for hindering his career advancement and opportunities to compete for vacancies due to negative feedback from his supervisor. Furthermore, he seeks moral damages for the harassment experienced while performing higher responsibilities and during unsuccessful job applications, for the "harassment and mistreatment received from [the Human Resources Officer]", and for alleged institutional harassment, retaliation, abuse of authority, favouritism and bullying. Lastly, he claims moral damages for the delay in the internal appeal process.

WHO asks the Tribunal to dismiss the complaint in its entirety and submits that a significant part of it is irreceivable.

### CONSIDERATIONS

1. The complainant impugns the 25 November 2021 decision, whereby the Director-General, endorsing the GBA's report of 5 July 2021, rejected his appeal lodged on 28 December 2020 against the 1 October 2020 decision. By the 1 October 2020 decision, the Regional Director of EMRO, endorsing the findings and conclusions of IOS (in its 12 December 2019 investigation report) and the GAC (in its 4 August 2020 report) on the harassment complaint filed by the complainant on 5 July 2018 against his supervisor, Mr R., had decided to close the case with managerial action in accordance with paragraph 7.19(ii) of the Policy.

2. At the outset, it is appropriate to define the scope of the present complaint.

The complainant advances a total of 18 claims that can be summed up as follows:

- (i) order WHO to issue a "performance letter" stating that his performance "exceeded expectations" during his tenure at WHO (claim 1);
- (ii) compensation for the salary difference between grades G-4 and G-6 covering the relevant years of service (claim 2);
- (iii) compensation for the abuse and harassment by supervisors and managers (claim 3);
- (iv) payment of four months' salary in relation to his separation (claim 4);
- (v) compensation for the harassment and mistreatment by a "[Human Resources (HR)] Officer" (claim 5);
- (vi) compensation for not being selected for various positions for which he had applied (namely six G-5 positions, five G-6 positions, and one G-7 position), for alleged delay and arrest of his career, for

the “lost benefits for [his] dependents” due to the non-renewal of his contract, and for lost annual leave and sick leave days (claims 6, 7, 8, 9, 10, 14, and 17);

- (vii) compensation and moral damages for the institutional harassment, retaliation, abuse, and “the colluding of all division managers and supervisors” (claim 11);
- (viii) compensation for the length of internal proceedings and the internal appeal culminated in the 7 July 2020 decision and in the decision impugned in the present complaint (claims 12, 13, and 16);
- (ix) compensation and moral damages for ruining his reputation and image in WHO and between colleagues (claim 15); and
- (x) compensation for moral and material damages for the different forms of harassment received in an amount of 1,000,000 United States dollars (claim 18).

As evident from the facts, the complainant simultaneously challenged a number of decisions concerning his career in parallel internal proceedings. These included the non-renewal of his appointment, rejections of requested leaves, rejection of his request for a “desk review” of his G-4 position, and the non-completion of his performance appraisal reports. These parallel proceedings culminated in the adoption of the 7 July 2020 decision, whereby the Director-General rejected his claims.

The 7 July 2020 decision is not impugned in the present complaint. Nevertheless, a copious number of the complainant’s arguments and claims in the present complaint concern the decisions challenged in the parallel proceedings that led to the 7 July 2020 decision. The Tribunal will not address these arguments and claims, as they fall outside the scope of the present complaint. The 7 July 2020 decision was not challenged before the Tribunal. In any event, by the time the complainant filed the present complaint, on 22 February 2022, any challenge to the 7 July 2020 decision would have been time-barred. Specifically, the Tribunal will not address claims 1, 2, 4, 6, 7, 8, 9, 10, 14, and 17 listed above and their underlying arguments. Additionally,

it will also not address claims 12, 13, and 16 listed above, insofar as they are related to the 7 July 2020 decision.

3. It is appropriate, at this juncture, to define the ambit of the 25 November 2021 decision, which is impugned in the present complaint. It was rendered on the harassment complaint filed by the complainant on 5 July 2018 against his first-level supervisor, Mr R.

The complainant submits that he had reported harassment not only by Mr R., but also by other staff, and that IOS failed to investigate harassment in this respect. Thus, in his view, the impugned decision is flawed because it failed to address his harassment complaint against other staff members.

The record shows that, subsequent to his harassment complaint lodged on 5 July 2018, the complainant submitted further information to IOS, on 28 September 2018, concerning the rejection of his sick leave request for the period from 11 March to 22 March 2018. In his 28 September 2018 note, the complainant identified a number of staff members involved. The complainant advanced further submissions to IOS on 20 November 2018 regarding his non-selection to various positions he had applied for, and on 20 December 2018 concerning his post and his performance. IOS expressly excluded that the episodes referred to therein constituted harassment, by stating in its investigation report:

“Intertwined with [the complainant]’s allegations against Mr R[.] were allegations associated to a denied sick leave request and his non-selection to various positions in EMRO that he had applied for. These specific allegations have not been addressed in this report other than to summarize that it was the determination of IOS that the actions of the implicated staff members constituted the reasonable discharge of managerial duties.”

The complainant’s contention that IOS and the impugned decision disregarded his harassment complaint concerning staff other than Mr R. is unfounded, as the complaint was expressly addressed and rejected in this regard. The IOS’s findings that the conduct of staff other than Mr R. did not amount to harassment reveal no manifest error (see for example, for a comparable case, Judgment 4999, considerations 5 to 7). The complainant fails to substantiate, even before the Tribunal, his

contention that he was harassed by the staff he mentions, and that their conduct exceeded the discharge of managerial duties.

In light of the foregoing, claims 3 and 11 are rejected to the extent they seek moral damages for harassment perpetrated by “supervisors and managers” (claim 3) and by “all division managers and supervisors” (claim 11) other than Mr R.

Claim 5 is rejected in its entirety, as it refers to harassment by an “HR Officer”.

4. In light of considerations 2 and 3 above, the Tribunal will now address the following claims:

- (i) claims 3 and 11 to the extent they refer to harassment and retaliation by Mr R. as well as institutional harassment;
- (ii) claims 12, 13, and 16, insofar as they refer to undue delay in the adoption of the 25 November 2021 decision; and
- (iii) claims 15 and 18.

In essence, the Tribunal will address the claim of harassment allegedly perpetrated by Mr R., the claims for moral damages purportedly stemming from such harassment, and the alleged delay in the process.

5. The Tribunal notes that, in his brief, the complainant presents his arguments under 21 “paragraphs”, which contain either an account of the facts, a list of names, or his arguments. His brief largely consists of copied and pasted excerpts from his initial complaint, the IOS report, and the GBA opinion, interspersed with quotations from the Tribunal’s case law. The copied and pasted parts of the brief do not contain pleas against the impugned decision. However, the Tribunal will attempt to identify and address the complainant’s myriad arguments in a logical order.

6. The complainant alleges a number of procedural errors which can be summed up as follows:

- (i) he was misguided and misled to file an administrative review;
- (ii) the GBA failed to examine his case from a harassment perspective; his two internal appeals should have been examined by the GBA as a single, interrelated harassment case; and
- (iii) the impugned decision was based on the former harassment policy, effective 7 September 2010, instead of the Policy effective 1 March 2021; therefore the one-time shouting incident referred to in his complaint of harassment that IOS found to be substantiated would have qualified as harassment under the new Policy.

His first argument is unproven. Despite being expected, as a staff member, to be aware of staff rules and remedies provided therein, the complainant was duly informed and not misled. There is evidence in the record, and it is recollected in the facts above, that:

- on 6 December 2018, the GBA promptly and exhaustively advised the complainant upon his 5 December 2018 request concerning the viability of an internal appeal in harassment complaints and provided a detailed explanation concerning the difference between an appeal to the GBA and a formal complaint of harassment;
- on 15 January 2019, the complainant submitted a request for administrative review covering a number of issues, including harassment, and on 20 March 2019, he was informed that allegations of this type fell beyond the scope of the administrative review process and needed to be filed and handled according to the applicable Policy;
- at this time, he had already contacted IOS, having filed his harassment complaint on 5 July 2018, which he later supplemented on 28 September 2018, 20 November 2018, and 20 December 2018;
- on 12 December 2019, IOS issued its investigation report.

Having regard to this sequence of events, it is unclear how he might have been misled or misguided.

His second argument, that the GBA failed to examine his two internal appeals jointly, is also unfounded. Since he had chosen to file two separate appeals, the GBA was not obligated to join them. Indeed, the complainant's second internal appeal concerned the closure of his harassment complaint – a separate administrative decision from the decisions concerning his career challenged in his first appeal – and in these circumstances it was open to the GBA not to join them. Additionally, even assuming that not joining the appeals amounted to a procedural mistake by the GBA, in the specific circumstances of this case there is no evidence – which the complainant should have provided and did not – that such a mistake affected the outcome of the case.

As to the applicable Policy *ratione temporis* (the complainant's third argument), according to the Tribunal's case law, when addressing a claim, an administrative authority must generally base itself on the provisions in force at the time it takes its decision, and not on those in force at the time the claim was submitted. Only where this approach is clearly excluded by the new provisions, or where it would result in a breach of the requirements of good faith, non-retroactivity of administrative decisions, and protection of acquired rights, the above rule will not apply (see Judgments 3214, consideration 14, and 3034, consideration 33). In the present case, the Tribunal is satisfied that the Organization and the GBA correctly relied on the Policy in force when the alleged misconduct occurred, and not the new Policy. Indeed, the application of the new Policy would have resulted in a breach of the requirements of good faith and non-retroactivity of administrative decisions, because it would involve a violation of the general principle applicable to disciplinary sanctions that nobody can be punished for conduct that was not illegal when it was carried out. The complainant's allegations of harassment pertain to conduct that occurred before the new Policy entered into force. The principles of good faith and non-retroactivity mandate that this conduct be assessed in light of the law in force at the time it occurred, that is the former Policy. Additionally, the harassment complaint was lodged, and the IOS investigation was carried out, while the former Policy was still in effect. In these circumstances, applying the new Policy would have been unlawful.

Pursuant to the Policy applicable *ratione temporis*, in the relevant part:

“3.1.5 Harassment is normally prolonged and persistent. However, in exceptional cases, a single incident may be viewed as harassment if it is sufficiently serious.”

In light of this provision, the Tribunal is satisfied that IOS and the decision-making authority correctly concluded that the single substantiated incident could not be qualified as harassment, especially considering the circumstances of this case, where both the complainant and his supervisor used an inappropriate tone.

7. Under “paragraph 19” of his complaint, the complainant copies and pastes the part of the GBA’s opinion addressing his plea that “IOS did not share any communication/evidence received from the management/supervisors addressing their claims”. However, the complaint lacks any specific argument to refute the GBA’s response to this plea. In his rejoinder, the complainant acknowledges having received the annexes to the IOS report in the proceedings before the Tribunal (provided by WHO in attachment to its reply) and contests the merits of some witness statements. He adds, literally, “First time to receive the Full IOS Transcript as never shared before in their Final report”. The Tribunal interprets this assertion as a plea that the complainant should have been provided with the transcripts of witness statements. The plea is unfounded.

The WHO Policy on Preventing and Addressing Abusive Conduct, both in the version effective 7 September 2010 (see Sections 7.16, 7.17, and 7.19) and in the version effective 1 March 2021 (see Section 8.17), do not impose an absolute obligation to provide a copy of the investigation report, given that the Policy effective 7 September 2010 only allows the alleged victim of harassment to be informed of the outcome of the complaint and that the Policy effective 1 March 2021 only states that the parties will “normally” receive a copy of the investigation report (see Judgment 4862, consideration 6). These rules do not entitle the complainant of harassment to receive all the annexes to the investigation report. This documentation could be provided to staff who have lodged complaints of harassment upon their request for

disclosure which would be grounded on reasonable motive. The complainant does not allege that he made such a request and that it was rejected. Leaving aside the question of whether these provisions are consistent with the Tribunal's case law, in the present case, as the GBA noted, the complainant was provided with a copy of the IOS report and the GAC report upon receiving the decision on his harassment claim by the Regional Director of EMRO on 1 October 2020. The GBA correctly considered that the complainant had been provided with the material relied upon by the Organization in relation to the impugned decision and received all the relevant information. Indeed, the IOS report sufficiently summarizes the testimonial and documentary evidence in support of its findings. In any event, all exhibits to the IOS report have been annexed to WHO's reply, and, thus, the complainant has had an actual opportunity to comment on them, which he did before the Tribunal in his rejoinder.

8. The complainant alleges substantive errors. His allegations can be summarized as follows:

- (i) he was a victim of harassment, abuse of authority, misuse of power, retaliation, humiliation, intimidation, malicious and false complaints by supervisors;
- (ii) the impugned decision "results in concealing the truth and evidence as well as the different forms of harassment received and mitigating harm";
- (iii) the IOS and GBA reports omitted essential facts, including the date and circumstances of his recruitment, the reports assessing his performance, that he was granted additional steps for experience, that he was not shortlisted and not selected for various G-5 and G-6 positions, that two newly G-6 fixed-term positions were established after his separation, that he was harassed by his supervisors who made malicious and false complaints against him, and the role of HR in mediation and in the PIP;
- (iv) he was a victim of delay and manipulation from EMRO HR, the Administration, and the GBA "during the whole process";

- (v) conflict of interest, collusion among different managers, and breach of confidentiality occurred in the investigation process, resulting in no action being taken against the harassment he suffered;
- (vi) there was a breach of the duty of care because some of the complaints were unanswered; and
- (vii) WHO's actions were tainted with bias, institutional harassment, and retaliation, leading to the non-renewal of his contract, loss of income and medical insurance, and loss of consideration as an internal candidate. He notes that the GBA itself expressed concerns about the circumstances in which the non-renewal of his contract occurred.

Throughout his complaint, he invites the Tribunal to re-evaluate the evidence submitted in his harassment complaint.

Before addressing these pleas, the Tribunal recalls that it is well established in its case law that it is not its role to re-evaluate the evidence in cases of harassment in the face of findings by an investigative body which, as the primary trier of fact, has had the benefit of actually seeing and hearing many of the persons involved, and of assessing the reliability of what they have said (see Judgment 4884, consideration 5), at least in the absence of demonstrated manifest error (see Judgments 4999, consideration 6, 4884, consideration 5, 4344, consideration 8, 4091, consideration 17, and 3597, consideration 2). Also, an internal appeals body's report warrants considerable deference in circumstances where the report involves a balanced and thoughtful analysis of the issues raised in the internal appeal and its conclusions and recommendations were justified and rational (see Judgment 4848, consideration 10).

The complainant bears the burden of proof: an allegation of harassment has to be borne out by specific facts, the burden of proof being on the person who pleads it (see Judgments 4746, consideration 12, and 4241, consideration 9).

In essence, the question to be addressed is whether the complainant, in his pleas, has established a vitiating error by IOS in its investigation and report, by the GAC in its deliberations and report, by the GBA in its deliberations and report, or by the Director-General in the exercise of his discretionary power to close the case (see Judgment 4999, considerations 5 to 7). The answer is that he has not.

All issues the complainant raises regarding decisions concerning his career and IOS's alleged failure to investigate staff other than Mr R. have already been addressed and rejected in considerations 2 and 3 above. It must be reiterated here that the complainant's claims against a number of decisions concerning his career have been dismissed. Administrative decisions that are legitimate managerial acts underpinned by reasonable explanation cannot be construed as acts of harassment in the absence of any evidence that they were made with any intention other than the proper execution of managerial duties (see Judgment 3192, consideration 16; see also, *a contrario*, Judgment 4345, consideration 8).

IOS interviewed a number of staff members, collected documentation, and found that, apart from a single episode which in any event did not amount to harassment, the complainant's allegations were unsubstantiated. Based on the evidence gathered, the Tribunal is satisfied that the IOS findings did not contain a manifest error which would allow the Tribunal's review. The complainant invites the Tribunal to re-evaluate the evidence submitted in his harassment complaint, but in light of the case law cited above, it is not the Tribunal's role to re-evaluate evidence in cases of harassment in the face of findings by an investigative body which are complete and exempt from errors, as is the case here.

The complainant's allegations of abuse of authority, misuse of power, retaliation, humiliation, intimidation, malicious and false complaints by supervisors, manipulation, conflict of interest, collusion, institutional harassment, breach of confidentiality, and concealment of the truth – directed not only against staff members but also against IOS and the GBA – are vague and unsubstantiated. He fails to establish

which specific episodes reveal such a serious attitude by staff and the entire organization against him.

9. The complainant alleges unreasonable delay in the harassment proceedings and the internal appeal.

This plea is unfounded. The Tribunal notes that the complainant lodged his harassment complaint on 5 July 2018 and supplemented it on 28 September 2018, 20 November 2018, and 20 December 2018. The IOS report was issued on 12 December 2019. Thus, it took IOS approximately one year to investigate the complainant's allegations submitted between September and December 2018. Although the Tribunal's case law emphasizes that investigations into cases of harassment should be prompt and thorough to protect staff members from unnecessary suffering (see Judgments 4954, consideration 8, and 4253, consideration 3), the length of the procedure may be justified, on a case-by-case basis, by the complexity of the case and the number of witnesses interviewed (see Judgment 4954, consideration 8). In the present case, considering the myriad issues raised by the complainant in his harassment complaint, the number of witnesses interviewed, the volume of documents collected, the one-year duration of the investigation cannot be considered excessive.

As to the duration of the subsequent steps in the process, which took almost two additional years, this duration was justified by the complexity of the case and the number of authorities (four) involved: after the IOS report was issued in December 2019, four steps followed that were necessary to finalize the process, i.e. the GAC's report, the Regional Director of EMRO's decision, the GBA's report, and the final decision.

10. The complaint fails on the main claims, as the complainant has not established that any part of the process was flawed, nor that the internal proceedings were unreasonably lengthy. Consequently, he is not entitled to material and moral damages. In conclusion, the complainant's claims that the Tribunal has deemed receivable in

considerations 3 and 4 above, i.e. claims 3, 11, 12, 13, 15, 16, and 18, are rejected on the merits.

11. In light of the foregoing, the complaint will be dismissed.

DECISION

For the above reasons,  
The complaint is dismissed.

In witness of this judgment, adopted on 21 October 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Ms Rosanna De Nictolis, Judge, and Ms Hongyu Shen, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

ROSANNA DE NICTOLIS

HONGYU SHEN

RENÉ M. VARGAS M.