Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

M.-C.

v.

Interpol

136th Session **Judgment No. 4663**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms U. M.-C. against the International Criminal Police Organization (Interpol) on 29 October 2019 and corrected on 3 and 14 December, Interpol's reply of 21 April 2020, the complainant's rejoinder of 1 July 2020 and Interpol's surrejoinder of 21 September 2020;

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 refusal to acknowledge the harassment that she alleges she suffered and to provide her with the full inquiry report drawn up following her internal complaint against a colleague.

On 11 July 2017 the complainant emailed the Executive Director for Resource Management "to report an incident that occurred on 8 July 2017" involving a colleague, Mr S. In her email the complainant stated that while she was at work on that day, Mr S. had made inappropriate remarks to her, including about her sexual orientation and her private life, and had made inappropriate gestures of a sexual nature. She described Mr S.'s behaviour as "contrary to the Organization's Code of Ethics" and asked for "disciplinary action to be taken". She added

that Mr S. had "acknowledged what [had] happened" in written communications dated 10 July and she attached the communications in question to her email.

On 21 August 2017 the Secretary General ordered that a preliminary inquiry be opened to determine, in accordance with Staff Rule 12.2.1, the substance and circumstances of the matter and to determine whether there was sufficient evidence to merit the institution of disciplinary proceedings against Mr S.

The investigating officers submitted their report to the Secretary General on 10 October 2017 after interviewing the complainant, Mr S. and four officials to whom the complainant had related the incident of 8 July. In their report the investigating officers noted that there were no direct witnesses to the incident and concluded that "[d]ue to lack of evidence and years of good conduct, it is not possible for the investigating officers to recommend a disciplinary sanction against [Mr S.]". However, the investigating officers recommended that Mr S. undergo training on the content of the Code of Ethics with explanations on the importance of respect for diversity.

On 13 October 2017 the Secretary General informed the complainant of his decision to endorse the investigating officers' findings. The complainant submitted a request for review of that decision on 12 November 2017. Among other things, she pointed out that the conduct complained of could be categorised as discrimination and sexual harassment. In her request for review she sought recognition of her status as a victim and the existence of the misconduct, as well as the adoption of disciplinary and preventative measures to ensure that there would be no recurrence of the conduct in question. She also requested a copy of the inquiry report.

On 1 December 2017 the Secretary General rejected the complainant's request for review. He wrote in his letter of rejection that he considered that the investigators were right in not recommending that disciplinary proceedings be brought against Mr S. as no clear and convincing evidence of the harassment had been found, especially since there were no direct witnesses to the incident and the four officials

interviewed by the investigating officers had obtained their information from what the complainant herself had told them.

On 12 December 2017 the complainant again requested a copy of the inquiry report, including the transcripts of the interviews conducted by the investigating officers. By a letter of 25 January 2018, the Organization informed the complainant that the inquiry report would not be disclosed to her, because of the need to protect the confidentiality and privacy of the interviewees.

On 26 January 2018 the complainant lodged an internal appeal against the decision of 1 December 2017 in which she sought acknowledgement of the harassment and compensation for the injury she considered she had suffered. She again requested a copy of the inquiry report and the transcripts of the interviews "if necessary in a version that can be disclosed should overriding interests require that some parts be omitted". On 30 January 2018 the complainant supplemented her internal appeal, stating that it was also directed against the refusal of 25 January 2018 to provide her with the inquiry report.

On 23 February 2018 the Secretary General forwarded the complainant's appeal to the Joint Appeals Committee. The Organization submitted its reply on 2 May 2018, in which it included an excerpt of the inquiry report, comprising only page 8 and part of page 10 thereof, where the investigators' main conclusions were set out.

On 1 October 2018 the Committee asked the Organization to send it the complete inquiry report. It met on 16 October 2018 after having received that document.

In its opinion delivered on 18 July 2019 the Joint Appeals Committee unanimously recommended that the Secretary General reject the internal appeal. In particular, it found that the preliminary inquiry had been conducted lawfully and thoroughly, the Organization had acted in good faith and the excerpt of the inquiry report sent to the complainant on 2 May 2018 constituted a response to her request that she be sent a version of the report that could be disclosed. The Committee noted that Mr S. had immediately acknowledged in writing that he had asked the complainant several embarrassing questions, for which he had apologised. It considered that "[w]hile the allegations could not be

verified by the preliminary inquiry, it [was] obvious that [Mr S.] realized that his behavior was inappropriate" and "[i]n this situation the decision of the Organization to have the Code of [Ethics] explained to [Mr S.] by the hierarchy was the right decision to prevent him causing similar incidents in the future". The Committee also recommended that the Organization ensure that Mr S. take mandatory online training on harassment.

On 31 July 2019 the Secretary General informed the complainant that, having reviewed the opinion of the Joint Appeals Committee, he had decided to reject her internal appeal. That is the impugned decision.

The complainant asks that the impugned decision and the decisions of 13 October and 1 December 2017 be set aside. She requests the Tribunal to order Interpol to pay her damages to compensate her in full for the moral injury she considers she has suffered, which she assesses at 50,000 euros at least. She also claims 10,000 euros in costs.

Interpol asks the Tribunal to dismiss the complaint as irreceivable and unfounded.

CONSIDERATIONS

1. The complainant seeks the setting aside of the decision of the Secretary General of Interpol of 31 July 2019 which endorsed the recommendations made by the Joint Appeals Committee in its consultative opinion of 18 July 2019, in which the Committee had unanimously recommended rejecting the complainant's internal appeal following her internal complaint of 11 July 2017 concerning inappropriate conduct by a colleague, Mr S.

In the impugned decision the Secretary General confirmed the content of his decision of 1 December 2017 whereby he had rejected the complainant's request for review following the decision of 13 October 2017 not to bring disciplinary proceedings against Mr S. The impugned decision also dismissed any claim by the complainant for compensation.

In her complaint the complainant also seeks compensation for all the moral injury she considers she has suffered, which she estimates at 50,000 euros at least, as well as an award of costs. However, the Tribunal observes that, in her submissions, the complainant does not request a fresh inquiry into the harassment that gave rise to her internal complaint.

2. The complainant submits that there were serious flaws in the internal appeal procedure, in particular as regards the transparency of the process and the unreasonable length of time taken by the Joint Appeals Committee to issue its opinion. The complainant further contends that the inquiry into her harassment complaint was irregular and contrary to the Tribunal's case law concerning the conduct of an investigation into harassment.

Before considering these pleas, the Tribunal observes the following from the sequence of events.

3. Following the incident on 8 July 2017, in her internal complaint of 11 July the complainant reported the inappropriate comments of a sexual nature that Mr S. had made to her and drew attention to the fact that they were contrary to the Organization's Code of Ethics. After she was informed in the Secretary General's subsequent decision of 13 October 2017 that he endorsed the recommendations of the investigators who had carried out the preliminary inquiry not to impose a disciplinary penalty on Mr S. because of the lack of evidence but to ensure that he received explanations about Interpol's Code of Ethics, the complainant submitted a request for review under Staff Rule 13.2.1.

In that request for review of 12 November 2017 the complainant stated that she considered the decision of 13 October 2017 prejudicial to her interests and in conflict with the provisions of Interpol's Staff Manual. She placed particular emphasis on Mr S.'s acknowledgement of his conduct in the emails they had exchanged immediately after the incident and noted that he had attempted to minimise its impact and justify his sexual remarks by his curiosity about the complainant's homosexual relationship. In this request for review the complainant

formally complained of what she described as discrimination and sexual harassment against her and explicitly requested a copy of the investigating officers' preliminary report.

4. On 1 December 2017, in his decision rejecting the request for review, the Secretary General informed the complainant that he had reviewed all the testimony and reached the conclusion that the requirement to discharge the burden of proof which, under the Tribunal's case law, lay with the person alleging harassment, that is to say the complainant, had not been satisfied in this case. In this decision the Secretary General repeated that the preliminary inquiry was confidential and he therefore did not provide the complainant with the inquiry report or the testimony that he had referred to.

On 12 December 2017 the complainant again requested a copy of the inquiry report and of the transcripts of the interviews conducted by the investigating officers, to no avail. In the internal appeal that she subsequently lodged on 26 January 2018 against the decision of 1 December 2017, she repeated that the conduct complained of constituted sexual harassment that seriously undermined her dignity and privacy. She again requested a copy of the inquiry report and sought the withdrawal of the decision of 1 December 2017, acknowledgement of the harassment, compensation for the injury suffered, and an award of costs. As the complainant in the meantime received an express refusal from the Organization to give her access to the preliminary inquiry report and the transcripts of the interviews conducted by the investigators, she supplemented her internal appeal on 30 January 2018, repeating her request for that report, "at the very least in a form that c[ould] be disclosed".

5. The Tribunal further notes that it is apparent from the documents in the file that the parties' exchange of submissions before the Joint Appeals Committee was completed on 8 July 2018. As part of that exchange the Organization submitted a reply on 2 May 2018 in which it only partially reproduced the investigators' main conclusions that were set out on page 8 of the inquiry report and in an excerpt from page 10 thereof. Five months later, on 1 October 2018, the Committee

asked the Organization to send it the full report, which was discussed by the Committee on 16 October 2018, as its unanimous opinion shows. The Committee's opinion was finally delivered on 18 July 2019, 18 months after the complainant had lodged her internal appeal. When the complainant received the opinion on 7 August 2019, appended to the Secretary General's impugned decision of 31 July 2019, she still had not obtained a complete copy of the inquiry report or the transcripts of the interviews carried out by the investigators.

6. As regards, firstly, the failure to disclose to the complainant the entire preliminary inquiry report, which was central to the case, before the Joint Appeals Committee delivered its opinion and the Secretary General adopted the impugned decision, it is well settled that a staff member must, as a general rule, have access to all the evidence on which an authority bases or intends to base a decision that adversely affects her or him (see Judgment 4622, consideration 12). Under normal circumstances, such evidence cannot be withheld on grounds of confidentiality (see Judgment 4587, consideration 12).

Furthermore, the Tribunal has consistently stated that a staff member must be provided with all the materials an adjudicating body uses in an internal appeal and that the failure to do so constitutes a breach of due process (see Judgments 4412, consideration 14, 3413, consideration 11, and 3347, considerations 19, 20 and 21). In Judgment 4541, consideration 3, the Tribunal accordingly confirmed that a refusal to disclose an investigation report to a staff member in good time – even in a situation where, contrary to what happened in the present case, the report would have been provided at the same time as the organisation's final decision – has the consequence of denying the staff member the opportunity to meaningfully challenge the findings of the investigation concerned in internal appeal proceedings conducted within the organisation.

In Judgment 4217, consideration 4, the Tribunal emphasised the importance of disclosing an investigation report similar to the one which the complainant had requested in the present case and noted that the fact that the complainant was ultimately able to obtain a copy of the

report during the proceedings before the Tribunal did not remedy the flaw tainting the internal appeal process:

> "4. The Tribunal considers that [the organisation concerned] erred in refusing to grant the complainant's request for a copy of the report established [...] at the end of the investigation in respect of the supervisor mentioned in her harassment complaint.
>
> The Tribunal has consistently held that a staff member must, as a rule, have access to all the evidence on which the competent authority bases its decision concerning her or him (see, for example, Judgments 2229, under 3(b), 2700, under 6, 3214, under 24, or 3295, under 13). This implies, among other things, that an organisation must forward to a staff member who has filed a harassment complaint the report drawn up at the end of the investigation of that complaint (see, for example, Judgments 3347, under 19 to 21, and 3831, under 17).
>
> [...]
>
> Although it is true that [the organisation concerned] produced a redacted copy of the investigation report as an annex to its surrejoinder, by refusing to provide the complainant with the report in question during the internal appeals procedure it nevertheless unlawfully deprived her of the possibility of usefully challenging the findings of the investigation. In this case, 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. Indeed, the Tribunal's case law recognises that, in some cases, the nondisclosure of evidence can be corrected when this flaw is subsequently remedied, including in proceedings before it (see, for example, Judgment 3117, under 11), that is not the case where the document in question is of vital importance having regard to the subject matter of the dispute, as it is here (see Judgments 2315, under 27, 3490, under 33, 3831, cited above, under 16, 17 and 29, or 3995, under 5)."

(See also, to this effect, Judgments 4471, consideration 23, and 3995, consideration 5.)

Lastly, in Judgment 4471, consideration 23, the Tribunal stated that the disclosure of extracts of a preliminary investigation report is generally not sufficient and an organisation is required to disclose the entire report, even if this means redacting it to the extent necessary to maintain the confidentiality of some aspects of the investigation, linked in particular to protecting the interests of third parties.

7. In the present case, the Tribunal considers that, having regard in particular to the content of the witness statements taken during the preliminary inquiry, from which it is plain that their disclosure was not liable to adversely affect the interests of third parties, there was nothing to prevent the complainant from being provided in good time with the full report of that inquiry and the transcripts of interviews that were appended to it. Such disclosure was essential if the complainant's rights were to be observed, since the Secretary General and the Joint Appeals Committee relied on those documents and the complainant should therefore have been given the opportunity to comment on them.

The complainant requested a copy of the preliminary inquiry report of 10 October 2017 on no fewer than four occasions. The Joint Appeals Committee was aware of these requests, as was the Secretary General. During the internal appeal proceedings, however, the Organization merely quoted short excerpts from the report in its submissions, without providing the complainant with the full report. This response was incomplete and insufficient. Furthermore, although the Committee itself requested the full report and considered the report during its examination of the case, it did not inform the complainant of the full content of the report at any point. Staff Rules 10.3.2(5) and 10.3.4(3) provide that the official must have access to the documents and forms of evidence submitted to a joint committee and the official must have the opportunity to express her- or himself on the evidence used as a basis for a consultative opinion. Moreover, although Staff Rule 10.3.5(1,b) provides that a joint committee's opinion must include a copy of the relevant documents submitted to it, the inquiry report was not appended to the opinion of the Joint Appeals Committee.

In the impugned decision the Secretary General endorsed the Committee's recommendations, which referred to the inquiry report, but failed to send it to the complainant yet again. The Tribunal recalls that, in that decision, the Secretary General confirmed his earlier decision of 1 December 2017, which had rejected the complainant's request for review by referring to what must be understood as the transcripts of the witness interviews conducted by the investigators, without their having been sent to the complainant at any time.

The Tribunal is not persuaded by the Organization's attempt to justify the decision not to provide a copy of the report or the transcripts on the basis of the requirement that they be kept confidential. It notes that the Organization eventually provided the complete inquiry report and its annexes without redacting them at all, which shows that the Organization itself ultimately admitted that there was nothing preventing their disclosure.

It follows from the above that the complainant's plea in this respect is well founded. These irregularities in the internal procedure constitute a substantial defect rendering both the impugned decision and the prior decision of 1 December 2017 unlawful.

8. With regard to the irregularities identified by the complainant in respect of the inquiry following her report of Mr S.'s conduct, she submits that an insufficiently thorough inquiry was carried out before the conclusion was reached that harassment had not been proved. By contrast, the Organization submits that the Secretary General has broad discretionary authority to decide whether disciplinary proceedings ought to be brought against an official in a situation such as that of Mr S. and that, given the existence of reasonable doubt owing to the contradictory statements of the complainant and Mr S., the Organization acted in good faith and in compliance with the applicable rules by refusing to impose a disciplinary penalty on him.

9. In Judgment 4207, considerations 14 and 15, the Tribunal observed the following with regard to the separate issues that arise where a staff member files a complaint of harassment or a report of misconduct based on an allegation of harassment:

> "14. A claim of harassment and a report of misconduct based on an allegation of harassment are distinct and separate matters. A claim of harassment is a claim addressed to the organization the resolution of which only involves two parties, the organization and the reporter of the harassment. In contrast, a report of alleged misconduct, based on an allegation of harassment, triggers [...] a process that is directed at the culpability of the staff member in question and potentially the imposition of a disciplinary measure. In this process, the two parties are the organization and the staff member in question. In this process, the reporter of the

misconduct, a potential victim of the harassment, is a witness and not a party in the proceedings.

15. It is observed that there are no specific provisions in the [...] Staff Regulations and Staff Rules [of the organization concerned] that articulate a comprehensive procedure to deal with a claim of harassment of the type first discussed in the preceding consideration. In the absence of a lawful comprehensive procedure within the [...] Staff Regulations and Staff Rules [of the organization concerned] to deal with a claim of harassment, the [organization concerned] had to respond to the complainant's claim of harassment in accordance with the Tribunal's relevant case law. 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 the investigation itself [...]' (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."

(See also Judgment 4602, consideration 14.)

10. Firstly, the Tribunal finds that Interpol breached the complainant's right to have her complaint of harassment properly determined. In the present case, the Organization could not fail to be aware that, in her initial complaint, her request for review and her internal appeal, the complainant reported harassment to which she had been subjected, that this complaint did not merely seek the imposition of disciplinary measures on Mr S. and that the impact on her own situation was central to her decision to complain. In Judgment 4547, consideration 3, the Tribunal recalled the following on this subject:

"[...] 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 [...] final decision [...] of the reasons why the organisation did or did not recognise the existence of harassment by her supervisor (see Judgments 3096, consideration 15, and [...] 4541, consideration 4). As she was not, the decision [...] 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 [...] 4541, consideration 4)."

11. Secondly, as the Tribunal made clear in aforementioned Judgment 4207, adopted by an enlarged panel of judges, in the absence of a lawful comprehensive procedure to deal with a claim of harassment in an organisation's internal rules, which there was not at the material time in the present case with regard to Interpol, the organisation must respond to the claim in accordance with the relevant case law of the Tribunal. That case law requires investigations into harassment complaints to be carried out promptly, rigorously and thoroughly (see Judgment 4471, considerations 10 and 18). In Judgment 3312, consideration 3, the Tribunal explains that this thorough investigation must, in particular, "determine whether the words may reasonably be true on the facts as found from the surrounding circumstances".

12. The Tribunal observes that the position taken by the Organization in the preliminary inquiry report, the decision of 13 October 2017 and the responses given to the complainant's request for review, namely that there was insufficient evidence of the conduct alleged by the complainant because any reasonable doubt had to weigh in Mr S.'s favour when it came to the decision whether to take disciplinary action against him, was incorrect. In Judgment 4289, consideration 10, the Tribunal stated as follows on precisely this point:

> "[...] A staff member alleging harassment, and a fortiori in an investigation on a preliminary basis of the type being undertaken, does not need to establish, nor does the person or body evaluating the claim, that the facts

> establish beyond reasonable doubt that harassment occurred. While an allegation of harassment may found disciplinary proceedings in which the standard of 'beyond reasonable doubt' would apply, it has no application in the assessment of the claim of harassment where the staff member is seeking workplace protection or damages or both."
>
> (See, to the same effect, aforementioned Judgment 4207, consideration 20.)

13. In the present case, given that it was aware that the complainant objected to the impact of the harassment and that her harassment complaint was not confined to seeking the adoption of disciplinary measures against Mr S., the Organization should not have considered only the question of whether reasonable doubt existed but should instead have carried out a rigorous and thorough inquiry so as to resolve any credibility issues that it had identified in respect of what it saw as the contradictory accounts given by the complainant and Mr S. in their testimonies. In this respect, the Tribunal notes that the Organization appears to have attached little importance to the email exchanges that immediately followed the incident on 8 July 2017, the content of which strengthened the credibility of the complainant's testimony while diminishing that of Mr S.'s subsequent account, or to the explanations provided by Mr S., called into question by the investigators themselves, as to the sexualised language he had used.

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. In this respect, the Organization should have ascertained why the harassment complaint submitted by the complainant could not be deemed credible, especially as the complainant's good faith was never called into doubt.

14. The Tribunal considers it appropriate to add that, were it not for its error as to the standard of proof applicable to the complainant's allegations of harassment, the Organization would, in all probability, have reached a different conclusion, had it assessed the situation correctly. Indeed, even after adopting the misconceived approach that led them to find that reasonable doubt remained in Mr S.'s favour, the investigators nonetheless considered that he should receive explanations of the Organization's Code of Ethics and the meaning of respect for diversity in an international organisation. In addition, in its opinion of 18 July 2019, the Joint Appeals Committee recommended ensuring that Mr S. underwent mandatory harassment training, which the Secretary General repeated in his final decision of 31 July 2019. In the light of these facts, the Tribunal considers that if Interpol found it necessary to make such recommendations, the probable existence of harassment experienced by the complainant was regarded by the Organization as established.

15. The Organization's error as to the standard of proof applicable in this case renders unlawful the impugned decision and the decisions that preceded it, since it led to the failure to conduct a thorough, rigorous inquiry, particularly into the contradictory accounts provided by the complainant and Mr S. Instead, the Organization considered the case through the distorting lens of a standard of proof that it considered to be beyond all reasonable doubt, whereas its assessment should rather have been carried out from the perspective of the complainant's perception of Mr S.'s comments and behaviour.

This second plea is therefore also well founded.

16. It follows from all of the foregoing that the impugned decision and the two prior decisions of 13 October and 1 December 2017 must be set aside, without it being necessary to rule on the complainant's other pleas.

17. As has been stated, the complainant does not request in her submissions that her complaint of harassment be remitted to the Organization for a thorough inquiry. She confines herself to claiming

redress for moral injury and seeking an award of damages. In view of this, the Tribunal considers it inappropriate to refer the case back to the Organization. Rather, the appropriate course in this case is to award the complainant adequate compensation for the moral injury caused by the decisions that the Tribunal will set aside. The Tribunal considers that there is sufficient evidence and information in the file to enable it to reach a decision on the extent of this injury.

18. As can be seen from the foregoing, the complainant was deprived of her right to have a rigorous and thorough inquiry conducted into her complaint of harassment, which would, in all likelihood, have established that she had submitted a credible complaint of harassment in good faith. In addition, the complainant was deprived of her right to know whether the harassment against her had been acknowledged and of her right to receive the report of the preliminary inquiry into the complaint in good time.

19. In addition, the complainant is justified in submitting that her internal appeal was not dealt with within a reasonable time.

It is settled case law that staff members are entitled to have their internal appeals examined with the necessary speed, having regard in particular to the nature of the decision that they wish to challenge (see, for example, Judgments 4457, consideration 29, 4037, consideration 15, or 3160, consideration 16). Moreover, the Tribunal has repeatedly pointed out that the duty of care requires organisations to deal with harassment cases as quickly and efficiently as possible (see, for example, Judgment 4243, consideration 24).

Since the documents in the file show that, firstly, 18 months elapsed between the date on which the complainant lodged her internal appeal with the Joint Appeals Committee and the date on which the Committee delivered its opinion; secondly, the Committee did not request the full inquiry report until 1 October 2018, almost 10 months after the internal appeal was lodged and almost five months after receiving the Organization’s reply, which referred to extracts from that report; and, lastly, the Committee’s opinion was not delivered until nine

months after it had obtained that report, it must be held that the delay incurred in the present case is excessive having regard both to its actual length and to the nature of the decision which was the subject of the internal appeal.

20. The Tribunal finds that the irregularities identified above and the slowness of the internal appeal procedure caused the complainant significant moral injury which should be redressed. In the circumstances of the case, the Tribunal considers that this injury will be fairly and entirely redressed by awarding the complainant compensation in the amount of 25,000 euros.

21. The complainant is entitled to costs, which the Tribunal sets at 8,000 euros.

DECISION

For the above reasons,

1. The decision of the Secretary General of Interpol of 31 July 2019 and the prior decisions of 13 October 2017 and 1 December 2017 are set aside.
2. Interpol shall pay the complainant moral damages in the amount of 25,000 euros.
3. The Organization shall also pay her costs in the amount of 8,000 euros.
4. All other claims are dismissed.

In witness of this judgment, adopted on 1 May 2023, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 7 July 2023 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLÉMENT GASCON

DRAŽEN PETROVIĆ