

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

V.-M.
v.
UNESCO

122nd Session

Judgment No. 3709

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mrs M. V.-M. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 25 January 2016 and corrected on 29 March 2016;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant, a retired UNESCO official, learned in January 2015 that one of her former subordinates (hereinafter referred to as “the other official”) had filed a complaint against UNESCO with the Tribunal. In April 2015 she contacted the Director-General of UNESCO “seeking her agreement to review [the other official’s] complaint in order to provide [her] version of the facts and adequately protect [herself] against any defamatory allegations that might have been made against [her]”. Her request was made “on the basis of [the other official’s] prior conduct”.

2. Her request was rejected on the grounds that the case of the other official was brought against UNESCO, and not against the complainant, and that the pleadings of the parties were “private”. Following the Appeals Board’s finding that it was not competent to hear the complainant’s subsequent appeal as she was no longer a staff member of UNESCO, the complainant filed the present complaint with the Tribunal.

3. The complainant asks the Tribunal to order UNESCO to give her access to all written submissions relating to the complaint filed by the other official. In addition, she seeks compensation for damage to her reputation and for moral injury inflicted upon her by the Director-General, punitive damages for negligence and for the “dilatory” manner in which her request was handled by the UNESCO, and legal costs “should counsel be appointed”.

4. Pursuant to Article II, paragraph 5, of its Statute the Tribunal is competent to hear complaints alleging “non-observance, in substance or in form, of the terms of appointment of officials and of the provisions of the Staff Regulations”. In this case, the Tribunal finds that the complainant, a former official of UNESCO, does not allege any breach of her terms of appointment or of Staff Regulations applicable to her. Her complaint, which does not fall within the competence of the Tribunal, is therefore clearly irreceivable and must be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 11 May 2016, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Ms Dolores M. Hansen, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 6 July 2016.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

DRAŽEN PETROVIĆ