



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2009/36

Judgment No.: UNDT/2010/076

Date: 30 April 2010

English

Original in French

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: Victor Rodríguez

GHAHREMANI

v.

SECRETARY GENERAL

OF THE UNITED NATIONS

JUDGMENT

Winston Sims

Counsel for respondent:
Linda Starodub, UNOV

Introduction

1. By appeal before the Geneva Joint Appeals Board (JAB) registered on 3 June 2009, the applicant contests the decision of 27 October 1999 barring him from access to the Vienna International Centre (VIC).

2. He asks for the Administration to be ordered to pay him five years' salary at the rate that would have been due to him at the time of the application and to pay his counsel the sum of 25,000 US dollars.

3. The applicant joined the Organization at Vienna on 12 October 1983

contract expired and he left the Organization. He subsequently held various short-term appointments, the last from 22 to 26 February 1999.

4. On 27 October 1999, the United Nations Office at Vienna (UNOV) barred the applicant from VIC for reportedly having brought a gun onto the premises and threatened colleagues with it. At the time he was working for the United Nations Industrial Development Organization (UNIDO) under a

9. By letter dated 4 March 2009 the applicant filed an appeal with the Geneva JAB. JAB received the letter on 3 June 2009.

10. Pursuant to General Assembly resolution 63/253, the case was transferred to the United Nations Dispute Tribunal (UNDT) on 1 July 2009.

Parties' contentions

11. The applicant's contentions are:

- a. He was never informed of the decision to bar him and, being unaware by whom, when and why it was taken, had been unable to contest it earlier;

b. The decision constitutes an abuse of power since the Director

Division for Management, UNOV, decided to bar him from VIC without conducting an investigation;

- c. Contrary to the respondent's contention, there was a legal

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13. The applicant contests the decision of 27 October 1999 barring him from access to VIC.

14. Before ruling on the respondent's contention of irreceivability on the

ground of late submission, the Tribunal must determine whether the

contested decision is appealable.

15. The then staff regulation 11.1 provided that staff members could

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The application is rejected.

(signed)

Judge Jean-François Cousin

Dated this 30th day of April 2010

Entered in the Register on this 30th day of April 2010

(signed)

Victor Rodríguez, Registrar, UNDT, Geneva