
UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2024-UNAT-1411



AAU ¹
(Appellant)

v.

Secretary -General of the United Nations
(Respondent)

JUDGMENT

Before: Judge Kanwaldeep Sandhu, Presiding
Judge Katharine Mary Savage
Judge Abdelmohsen Sheha

Case No: 2023-1805

Date of Decision: 22 March 2024

Counsel for Appellant: Self-represented

Counsel for Respondent: Sylvia Schaefer

¹ This unique three-letter substitute for the party's name is used to anonymize the Judgment and bears no resemblance to the party's real name or other identifying characteristics.

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7. On 1 December 2022, AAU requested management evaluation of the decision of the Administration to terminate her permanent appointment with the United Nations. ³

8. On 6 December 2022, the Management Evaluation Unit (MEU) informed AAU by letter that her management evaluation request was time-barred. The MEU observed that AAU did not submit her request for management evaluation within 60 calendar days from the date on which she received notification of the contested decision, in accordance with Staff Rule 11.2(c)⁴ but rather submitted it more than 27 years later.⁵ On 5 March 2023, AAU filed an application with the Dispute Tribunal challenging the contested decision.

Impugned Judgment

9. On 24 March 2023, the Dispute Tribunal issued the impugned Judgment by way of summary judgment pursuant to Article 9 of the Dispute Tribunal Rules of Procedure. It first granted AAU's request for anonymity considering her allegations of domestic abuse and the fact that she could be identified by the circumstances surrounding the case.⁶

10. With regard to the issue of receivability of her application, the Dispute Tribunal concluded that AAU's request for management evaluation was time-barred as she only requested management evaluation of the contested decision on 1 December 2022.

11. The Dispute Tribunal similarly found that AAU's application to the Tribunal was not receivable as it was filed more than three years after her receipt of the contested decision which "was made in October 1995 (...) more than 27 years earlier". Therefore, the Dispute Tribunal found that it did not have "competence to review the merits of her claim".⁸

³ Management evaluation request dated 1 December 2022.

⁴ Secretary-General's Bulletin ST/SGB/2018/1/Rev. 2 (Staff Regulations and Rules of the United Nations).

⁵ Management evaluation response dated 6 December 2022

⁶ Impugned Judgment, para. 5.

⁷ *Ibid.*, para. 8.

⁸ *Ibid.*, para. 9.

Submissions

AAU 's Appeal

12. AAU requests the Appeals Tribunal to grant her “[c]ompensation of USD 1,5 million due to loss of a stable [United Nations] salary and pension contribution s” as well as “[r]etroactive inclusion in the [United Nations] P ension Fund since 1995, based or[her] last [United Nations] P-5, Step 5 position, which [she] held with [the United Nations Population Fund] in Ukraine in 2022, with the possibility to retire at age 60”.⁹

13. AAU also requests that the Appeals Tribunal grant her anonymity in the publication of the present Judgment for security reasons.

14. With regard to th e impugned Judgment, AAU submits that the Dispute Tribunal erred in fact in dismissing her application , resulting in a manifestly unreasonable decision.

15. AAU admits that many years have passed since her appointment was terminated but notes that it is not rare for “victims of sexual and gender- based violence (...) to seek justice 20 to 30 years after the abuse”. Therefore, she requests the Appeals Tribunal to

to the purpose of the appeal process. Indeed, the Secretary-General observes that AAU's arguments are largely a repetition of the ones that she made before the Dispute Tribunal and are "copy-pasted word for word [of] many of the paragraphs (...) contained in her [a]pplication". However, relying on Appeals Tribunal jurisprudence, the Secretary-General recalls that it is not sufficient for AAU to merely repeat the arguments submitted before the Dispute Tribunal and that the appeals procedure is not an opportunity for a party to reargue the case!¹⁰ Therefore, the Secretary-General submits that the appeal should be dismissed on this ground alone.

19. Nevertheless, even if the Appeals Tribunal were to consider those arguments, the Secretary-General contends that they have no merit. Indeed, the Secretary-General submits that the Appeals Tribunal has consistently held that adherence to time limits must be strictly observed and that the Dispute Tribunal may decide to waive such statutory time limits only in exceptional circumstances.¹¹ However, in the present case, the Secretary-General notes that AAU has not requested such a waiver or "demonstrate[d] that exceptional circumstances beyond her control justify her filing the [a]pplication more than 27 years after the [c]ontested [d]ecision was taken".

20. The Secretary-General submits that AAU cannot invoke her ignorance of the possibility to appeal the contested decision as an excuse because "staff members are presumed to know the

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claim. There is no authority given to either Tribunal to extend the timelines in these circumstances.

For all of the foregoing reasons the appeal is dismissed

29. Finally, in the impugned Judgment, the Tribunal

