



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2011/078

Judgment No.: UNDT/2012/047

Date: 13 April 2012

English

Original: French

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: René M. Vargas M.

KAMANOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

b. The Second Reporting Officer's request to meet with her prior to granting her annual leave is improper and amounts to harassment.

17. The Respondent's contentions are:

a. The application is moot, since the Applicant was granted the annual leave sought;

b. The contested decision was lawfully taken. It does not constitute abuse of authority. The Applicant has failed to establish that the decision being challenged was flawed owing to wrongful considerations;

c. The application constitutes an abuse of procedure for which costs should be awarded against the Applicant.

Consideration

18. The case materials indicate that on 25 August 2011, when the present application was filed with the Tribunal Registry, the Applicant had already been granted the annual leave sought. She therefore no longer has any reason to appeal before the Tribunal a decision placing conditions on or refusing this annual leave, since, moreover, she had suffered no prejudice owing to this decision (see *Calvani* UNDT/2010/027, *Osman* UNDT/2010/158, *Tranchant* UNDT/2011/065, *Price* UNDT/2011/095).

19. As a consequence, the application can only be rejected as irreceivable.

20. While the Respondent requested that the Tribunal apply article 10.6 of its Statute, which allows it to award costs against a party, the Tribunal holds that all that is called for in this case is to strongly caution the Applicant to appeal before the Tribunal in future only those decisions that might result in prejudice to her.

Conclusion

21. In view of the foregoing, the Tribunal DECIDES:

The application is rejected, as is the Respondent's request to award costs against the Applicant.

(Signed)

Judge Jean-François Cousin

Dated this 13th day of April 2012

Entered in the Register on this 13th day of April 2012

(Signed)

René M. Vargas M., Registrar, Geneva