



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2011/077

Judgment No.: UNDT/2012/053

Date: 17 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

*Translated from French*

9. Following an extension of the relevant deadline, the present application was received by the New York Registry on 25 August 2011 and the Respondent submitted his reply on 26 September 2011.

10. By Order No. 263 (NY/2011) of 8 November 2011, the judge hearing the case at the New York Registry ordered that it be transferred to the Geneva Registry.

11. On 3 April 2012, the Tribunal held a hearing on the case, in which the Applicant and Counsel for the Respondent participated by videoconference.

### **Parties' submissions**

12. The Applicant's contentions are:

a. While the Statistics Division had discretionary power to publish the Handbook or not, that power was not properly exercised and the decision was vitiated by irregularities and prejudicial to her. The decision not to publish the Handbook was taken with the aim of punishing her and depriving her of due credit for her work;

b. The failure to publish the Handbook, as well as the decision of the Statistics Division to relieve her of three other projects, is evidence that may be used to support her other applications before the Tribunal;

c. Between 2003 and 2006, she worked on two major publications, namely the Handbook and its regional companion, the Economic Community of West African States ("ECOWAS") Poverty Profile. In December 2005, she finished the manuscript of the Handbook and sent a copy to the Editorial, Terminology and Reference Service for final review;

d. From May to August 2006, the Chief of the Statistical Services Branch made numerous changes to the chapters of the Handbook that she had written, after which she was asked to review the contents of the Handbook in July 2007. In November 2007, the Statistics Division published the ECOWAS Poverty Profile.

13. The Respondent's contentions are:
- a. The application is not receivable as the decision whether or not to publish a document is an operational decision of the Organization that does not have any direct consequence for the rights or contract of the Applicant. The contested decision is therefore not an appealable administrative decision;
  - b. The case is confined to the decision that was submitted for management evaluation. In her request for management evaluation, the Applicant did not claim that the contested decision was vitiated by irregularities;
  - c. Contrary to the Applicant's assertions, the Handbook was published on the Internet and the Applicant's contribution was recognized. Moreover, the Applicant has not established any nexus between the decision to publish the Handbook on the Internet and her list of perceived setbacks to her career;
  - d. The application constitutes an abuse of process that justifies the award of costs against the Applicant.

### **Consideration**

14. In asking the Tribunal to dismiss the application contesting the decision of the Statistics Division not to publish the Handbook, the Respondent maintains that the application is not receivable as it contests a decision that does not concern the terms of the Applicant's appointment or her contract of employment.

15. Article 2, paragraph 1, of the Statute of the Tribunal provides that:

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations:



**Conclusion**

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

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

*(Signed)*

Judge Jean-François Cousin

Dated this 17<sup>th</sup> day of April 2012

Entered in the Register on this 17<sup>th</sup> day of April 2012

*(Signed)*

René M. Vargas M., Registrar, Geneva