

# **UNDT/2011/019, Odio-Benito**

## UNAT Held or UNDT Pronouncements

Noting that both the Dispute Tribunal and the Appeals Tribunal had repeatedly emphasized the need to observe time limits, the Tribunal rejected the application as time-barred, without ruling on the admissibility *ratione personae* of it.

## Decision Contested or Judgment/Order Appealed

On 6 December 2010, the Applicant, a former judge of the International Criminal Tribunal for the Former Yugoslavia (“ICTY”) currently serving as a judge at the International Criminal Court (“ICC”), filed with the United Nations Dispute Tribunal an application against the decision to suspend the payment of her ICTY pension as long as she would be serving with ICC. She had received the response to her request for management evaluation more than 12 months earlier, on 31 July 2009. In her submissions before the Tribunal, and although she was granted leave to file a rejoinder on the Respondent’s reply, the Applicant did not even attempt to explain the reasons for the delay.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Odio-Benito

## Entity

ICTY

## Case Number(s)

UNDT/GVA/2010/112

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

23 Jan 2011

## Duty Judge

Judge Laker

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Abuse of process before UNDT/UNAT

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

## Applicable Law

GA Resolutions

- A/RES/63/259

UNDT Statute

- Article 8.1
- Article 8.3

## Related Judgments and Orders

2010-UNAT-043

2010-UNAT-069

UNDT/2010/019