

# **UNDT/2011/168, Di Giacomo**

## **UNAT Held or UNDT Pronouncements**

The UNDT found that General Assembly resolution 63/253, by which the Assembly adopted the statutes of the UNDT and the UNAT, imposed limitations on their jurisdiction. Interns presently do not have access to the UNDT and the UNAT. Having found that it does not have jurisdiction to consider the application, the UNDT dismissed it without consideration of its merits.

## **Decision Contested or Judgment/Order Appealed**

The Applicant, a former intern at the United Nations Secretariat, filed an application contesting two decisions: (i) the decision not to pursue a disciplinary case against him, and (ii) the decision to require him to be accompanied by a security escort when accessing the United Nations premises in New York.

## **Legal Principle(s)**

Interns, jurisdiction of the UNDT: Interns presently do not have access to the UNDT and the UNAT. By way of an obiter, the UNDT included observations regarding the legal status of interns and access to justice, concluding that proper attention should be given to ensuring that interns have access to an appropriate dispute resolution mechanism. Right to an effective remedy: Where rights and obligations attach, there must be an effective mechanism for resolution of disputes and for reparation of breached rights through appropriate remedies.

## **Outcome**

Dismissed on merits

## **Full judgment**

[Full judgment](#)

## Applicants/Appellants

Di Giacomo

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/098

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

26 Sep 2011

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

## Applicable Law

## Administrative Instructions

- ST/AI/2000/9
- ST/AI/309/Rev.2

## GA Resolutions

- A/RES/63/253
- A/RES/64/233

## Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2008/5

## UNDT Statute

- Article 2.1
- Article 3.1

## Related Judgments and Orders

UNDT/2010/142

UNDT/2010/145

UNDT/2010/203

UNDT/2011/005

UNDT/2011/006

UNDT/2011/007

UNDT/2011/020

UNDT/2011/032

UNDT/2011/055

2010-UNAT-088

2011-UNAT-120

2011-UNAT-121

2011-UNAT-139