

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