

UNDT/2012/053, Kamanou

UNAT Held or UNDT Pronouncements

Appealable decisions: According to article 2.1(a) of the Statute, a staff member may not contest before the Tribunal a decision which does not affect his or her rights under the staff member's contract of employment or terms of appointment. Decisions on publication of United Nations documents: Pursuant to former staff rule 112.7 and staff rule 1.9, all rights on documents prepared by a staff member as part of his or her functions following his or her supervisors' instructions and under their supervision belong to the Organization only. Accordingly, a decision on the publication of such document has no consequences on the Applicant's rights and it is thus not open to appeal before the Tribunal.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision by the Department of Economic and Social Affairs not to publish (in paper version) a handbook that she had contributed to elaborate as part of her functions. The Tribunal found that, since all rights on the handbook belonged to the Organization, the decision to publish it or not had no impact on the staff member's terms of appointment. Hence, the contested decision was not an appealable decision as per article 2.1(a) of its Statute.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Kamanou

Entity

DESA

Case Number(s)

UNDT/GVA/2011/77

Tribunal

UNDT

Registry

Geneva

Date of Judgement

17 Apr 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

Former Staff Rules

- Rule 112.7

Staff Rules

- Rule 1.9

UNDT Statute

- Article 2.1