

UNDT/2013/170, Dahl

UNAT Held or UNDT Pronouncements

The UNDT noted that the contested decision had been rescinded by the Prosecutor, ICTY, and hence the application was moot. The Applicant contended however that the decision had already been implemented since she was no longer assigned any appeals-related work. The UNDT examined whether her new functions were commensurate with her functional title of Senior Appeals Counsel (P-5), and whether the Prosecutor, ICTY, was entitled to assign her to such tasks. It found that pursuant to staff rule 1.2 (c) and Annex IV to ST/AI/234/Rev.1, the Administration had broad discretionary powers when it comes to organization of work and that the Applicant failed to establish that her new responsibilities did not correspond to her level. In the present case, the Prosecutor, ICTY, explained that he assigned staff, particularly Appeals Division staff, to various assignments depending on operational requirements, as necessary in the context of the ICTY downsizing. The UNDT found that the Prosecutor, ICTY, did not abuse his discretionary authority when he gave the Applicant assignments unrelated with appeals work, and that the Applicant did not establish that this change in her functions was directly linked to her 2011-2012 performance evaluation. Indeed she herself admitted she had already been assigned similar tasks during previous years. The application and the Applicant's request for withdrawal of her name from the judgment were rejected.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision taken by her first reporting officer to remove her from the Appeals Division, ICTY, and to assign her to other functions.

Legal Principle(s)

Staff rule 1.2 (c):The Administration has broad discretionary powers when it comes to organization of work, and the Prosecutor, ICTY, has the authority to assign staff to

various assignments depending on operational requirements in the context of the ICTY downsizing.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Dahl

Entity

ICTY

Case Number(s)

UNDT/GVA/2013/10

Tribunal

UNDT

Registry

Geneva

Date of Judgement

16 Dec 2013

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Reassignment or transfer

Discretion

Applicable Law

Administrative Instructions

- ST/AI/234/Rev.1

Staff Rules

- Rule 1.2(c)

Related Judgments and Orders

2013-UNAT-329

2013-UNAT-282

2011-UNAT-187

2013-UNAT-349