



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2014/062

Judgment No.: UNDT/2014/111

Date: 20 August 2014

Original: English

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**Before:** Judge Thomas Laker

**Registry:** Geneva

**Registrar:** René M. Vargas M.

BELLO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**SUMMARY JUDGMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

N/A

**Facts**

1. On 10 August 2014, the Applicant, a staff member of the International Maritime Organization (“IMO”), filed a submission with the Geneva Registry of the United Nations Dispute Tribunal (“UNDT”), entitled “Service incurred injury”, in which she seems to be contesting a series of decisions taken by IMO officials with regard to the injuries she suffered after falling in the IMO premises on 1 February 2013, requesting, *inter alia*, the payment of her medical costs and her reinstatement on full pay status.
2. The submission was registered under Case No. UNDT/GVA/2014/062.
3. On 12 August 2014, the Geneva Registry of the Tribunal acknowledged receipt of the application and informed the Applicant that “decisions taken by the [head of] ... the [IMO]” fall within the jurisdiction of the United Nations Appeals Tribunal (“UNAT”), and not of the UNDT. It further indicated that the Applicant “may therefore consider to withdraw [her] application from the UNDT, as the UNDT is not competent to deal with the contested decision and has also no authority to forward [her] application to the UNAT”.
4. On 14 August 2014, the Applicant sent an email to the Geneva Registry, asking for further information, rather than withdrawing her application.

**Considerations**

5. As a first step, the Tribunal has to determine if it is competent to examine an application directed against the IMO. The Tribunal observes that its competence is a matter of law, which may be adjudicated even without serving the application to the Respondent for reply and even if not raised by the parties (see *Christensen* 2013-UNAT-335). Accordingly, the Tribunal deems it appropriate, at its own initiative and in accordance with art. 9 of its Rules of Procedure, to decide on the present application by way of summary judgment, which has been accepted as an appropriate tool to deal with issues of receivability (see *Chahrour* 2014-UNAT-406, *Gehr* 2013-UNAT-313).

6. The scope of the Tribunal's jurisdiction is clearly determined and limited by art. 2.1(a) and art. 3.1(a) of its Statute, which provide:

2.1. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations:

(a) To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment.

3.1 An application under article 2, paragraph 1, of the present statute may be filed by:

(a) Any staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes.

7. The Tribunal notes that the Applicant is a staff member of the IMO, which is neither part of the United Nations Secretariat nor of the United Nations funds and programmes, and that she does not contest an administrative decision taken by the Secretary-General of the United Nations ("UN"), as the Chief Administrative Officer of the UN. Further, the Tribunal notes that the IMO is not one of the organizations or entities with which a special agreement has been concluded, under the terms of art. 2.5 of its Statute, to establish the Tribunal's jurisdiction. The UNDT is therefore not competent to examine the present application.

### **Conclusion**

8. In view of the foregoing, the Tribunal DECIDES:

The application is rejected.

*(Signed)*

Judge Thomas Laker

Dated this 20<sup>th</sup> day of August 2014

Entered in the Register on this 20<sup>th</sup> day of August 2014

*(Signed)*

René M. Vargas M., Registrar, Geneva