

Translated from French



UNITED NATIONS DISPUTE TRIBUNAL

Original: French

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: René M. Vargas M.

KAMANOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1.

judgment was issued in May 2010 (*Kamanou* UNDT/2010/093), and a second in May 2012 (*Kamanou* UNDT/2012/064), both dismissing the appeal.

7. On 22 September 2010, the Applicant filed a complaint with a New York State court, alleging that ECOWAS had unlawfully claimed copyright of the study entitled *ECOWAS Poverty Profile*, that she was the author of the study and that she should be granted exclusive rights to it. She demanded compensation and punitive damages totalling US\$4 million.

8. On 31 May 2011, after seven months' sick leave, the Medical Services Division of the Office of Human Resources Management medically cleared the Applicant to return to work. However, despite repeated requests from the

Parties' submissions

14. The Applicant's contentions are:
 - a. She was denied the right to due process in disciplinary matters. The written censure from the Assistant Secretary-General for Human Resources Management and the implied decision to place her on administrative leave were in non-compliance with staff rule 10.3(a) and administrative instruction ST/AI/371 on disciplinary measures and procedures;
 - b. The decision of the Assistant Secretary-General for Human Resources Management was premised on procedural irregularities and breaches of her terms of employment. She had been coerced by the Organization to engage in unauthorized outside activities;
 - c. The written censure issued by the Assistant Secretary-General for Human Resources Management was discriminatory and not grounded in equity. In particular, it violated her rights under the Universal Declaration of Human Rights;
 - d. The decision by the Assistant Secretary-General for Human Resources Management was based on a narrow interpretation of (i) United Nations policies, particularly with regard to outside activities; (ii) the immunity of the Organization; and (iii) international treaties governing intellectual property.

15. The Respondent's contentions are:
 - a. None of the contested decisions were taken. The Administration did not issue a written censure to the Applicant, nor did it place her on administrative leave since June 2011. The letter of 4 November 2011 merely requested that the Applicant withdraw her complaint against ECOWAS;

Consideration

16. The Applicant objected to the Tribunal's decision not to hold a hearing.

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