

Introduction

1. By applications filed on 26 July 2018, the Applicants, based in Geneva and working for the United Nations Secretariat, request the rescission of the decision to implement a post adjustment change in the Geneva duty station which results in a pay cut.

2. The applications were registered under Cases Nos. UNDT/GVA/2018/083, UNDT/GVA/2018/084 and UNDT/GVA/2018/085, and assigned to one of the undersigned Judges, namely, to Judge Teresa Bravo.

Consideration

3. As a preliminary matter, the Tribunal recalls that judges serving on the Dispute Tribunal, although not staff members of the Organization, are treated as such, being compensated in the same manner as staff members, with salaries and allowances equivalent to the D-2 level, following the recommendations of the Secretary-General to the General Assembly¹.

4. As a result, the undersigned Judges' conditions of service are not independent of the United Nations staff salary system and, hence, are subject to the same modifications as those affecting staff members based in the Geneva duty station.

5. The undersigned Judges also receive a monthly post adjustment sum that has been affected by the Organization's decision to implement a reduction in the post adjustment amount.

6. This places the undersigned Judges in the same situation as the Applicants and other staff members in the Geneva duty station, and raises fundamental questions of conflict of interest and judicial independence.

16. The inclusion of these “conditions of service”, in the context of a broader document regarding independence of the judiciary, is evidence that judges’ remuneration should be secured by law and not subject to administrative processes and interference because they are of a constitutional nature.

17. A panel of experts, including at least two United Nations experts proposed a set of principles to be applied as appropriate to *ad hoc* judges, *ad litem* judges and part-time judges, to international arbitral proceedings and to other exercises of international judicial power. These principles, among others, include norms on the conditions of service and remuneration of the judges working in the international tribunals:

4. Service and remuneration

4.1 Judges’ essential conditions of service shall be enumerated in legally binding instruments.

4.2 No adverse changes shall be introduced with regard to judges’ remuneration and other essential conditions of service during their terms of office.⁴

18. In Order No. 113 (GVA/2017) *Lloret Alcaniz*, the Judge was faced with an almost similar situation while handling a case of a staff member challenging the Organization’s

Case No. UNDT/GVA/2018/083

UNDT/GVA/2018/084

UNDT/GVA/2018/085

Order No. 128 (GVA/2018)

Constitution requires that they

