
5. When the General Assembly established the internal justice system in 2009, it created OAJ as an independent office with operational and budgetary autonomy would ensure the institutional independence of the system (see General Assembly resolution 62/228, the report of the Advisory Committee on Budgetary and Administrative Questions A/61/815, paragraph 22, and the report of the Redesign Panel for the internal justice system A/61/205, paragraph 124).

6. The General Assembly role of the Office of Administration

As an independent office, OAJ is not part of OAJ is responsible for the overall coordination of the formal component of the internal justice system and for contributing to ensuring that the system functions in a fair, transparent and efficient manner. As the new internal justice system became operational, the General Assembly stressed that it must be transparent, impartial, independent and effective (resolution 61/261, preamble). The General Assembly also established the system as decentralized (resolution 62/228, paragraph 2), and determined in resolution the new system of administration of justice must work in accordance with the Charter of the United Nations and the legal and regulatory framework established by the General Assembly .

7. As per General Assembly resolution 62/228, the Office of the Executive Director and the Office of Staff Legal Assistance, as well as the Registries for the United Nations Dispute Registries for the United Nations Dispute Tribunal (UNDT) and the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), consisting of a Principal Registrar overseeing the Registries, three Registries supporting UNDT in New York, Geneva and Nairobi, and one Registry supporting UNAT in New York. Each Registry includes a Registrar as well as Legal Officers and Assistants. In the resolution, the General Assembly requested the Secretary-General to provide the terms of reference for the Registries, which are included in ST/SGB/2010/3. Articles 21 of the Rules of Procedure of UNAT and UNDT, respectively, set out specific judicial support duties of the Registries under the direction of the tribunals, such as transmitting documents, maintaining dossiers of cases and organizing hearings.

8. The Office of Staff Legal Assistance (OSLA) enjoys full operational independence in terms of its mandate to provide legal assistance to staff members in an independent and impartial manner and is composed of United Nations staff members. Chief is responsible for the management and proper functioning of the programme of legal assistance to staff members in the internal justice system, including in administrative, disciplinary and appellate processes, management evaluation requests, and in p.1 0 0 602(an)401[(or)--6741p24s12 0 6197 792 reW*Qq0.00

on innovative ideas in problem-prevention and dispute resolution. Headquartered in New York, OSLA is decentralized and has branch offices in Addis Ababa, Beirut, Geneva and Nairobi.

9. In the reporting period, as part of its mandate to support the internal justice system, the Office of the Executive Director of OAJ further enhanced online search capabilities for users of the search engine for UNDT and UNAT jurisprudence, by making more advanced search features available and providing better information on how to utilize those advanced features. The preparations for an upgrade of the Court Case Management System, which facilitates electronic filing, the processing of applications and appeals and obtaining aggregate data on the processing steps and outcomes of applications and appeals, commenced in December 2017.
10. Based on the outreach strategy for internal justice in the United Nations, the Office of the Executive Director of OAJ and OAJ staff increased its activities in disseminating information about the system of administration of justice through outreach activities interacting with staff members and managers through presentations and interactive Q and A sessions. In 2017, a Legal Officer of the Geneva Registry conducted a joint outreach mission with an OSLA Legal Officer at the Economic Commission for Asia and the Pacific for United Nations staff members in Bangkok. Registry staff also participated with OSLA and regional ombudspersons of the Office of the United Nations Ombudsman and Mediation Services (UNOMS) in outreach activities organized locally by UN entities for newly on-boarded staff members. The Registry in Nairobi also participated in on-boarding briefings for new staff members at UNON and provided information on the system. In organizing outreach activities, OAJ collaborates with hosting entities and other stakeholders in the system.
11. To ensure improved access to information about the UN internal justice system,

13. In accordance with its mandate, OAJ provided administrative and technical support, as appropriate, to the Internal Justice Council (IJC or Council), including with respect to its meetings and teleconferences and logistical arrangements for the preparation of its annual report to the General Assembly (A/72/210). Following the end of mandate of the previous Council in November 2016, four new members of the Council nominated by staff and management, respectively, were appointed by the Secretary-General. Those four members chose the fifth member to serve as Chairperson, who has been appointed by the Secretary-General as well.

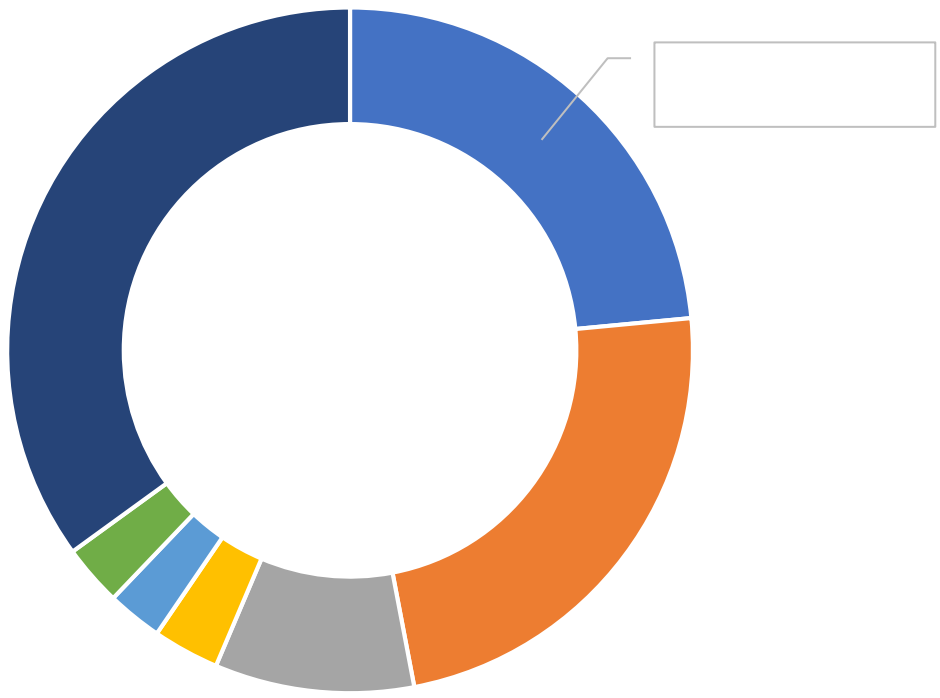
14.

15. During the reporting period, as per article 4 (1) of its Statute the UNDT was composed of three full time judges and two half-time judges with seven-year terms. According to General Assembly resolution 72/256, UNDT also included three full-time ad litem judges with one-year terms:

- Full time judges with seven-year terms: Judge Memooda Ebrahim-Carstens (Botswana, based in New York), Judge Teresa Maria da Silva Bravo (Portugal, based in Geneva) and Judge Agnieszka Klonowiecka-Milart (Poland, based in Nairobi);
- Half-time judges with seven-year terms: Judge Goolam Meeran (United Kingdom) and Judge Alexander W. Hunter Jr. (United States of America);
- Full-time ad litem judges with one-year terms: Judge Nkemdilim Izuako (Nigeria, based in Nairobi), Judge Alessandra Greceanu (Romania, based in New York) and Judge Rowan Downing (Australia, based in Geneva).

16.

ad litem



25.

26.

31.

8

article 2.10

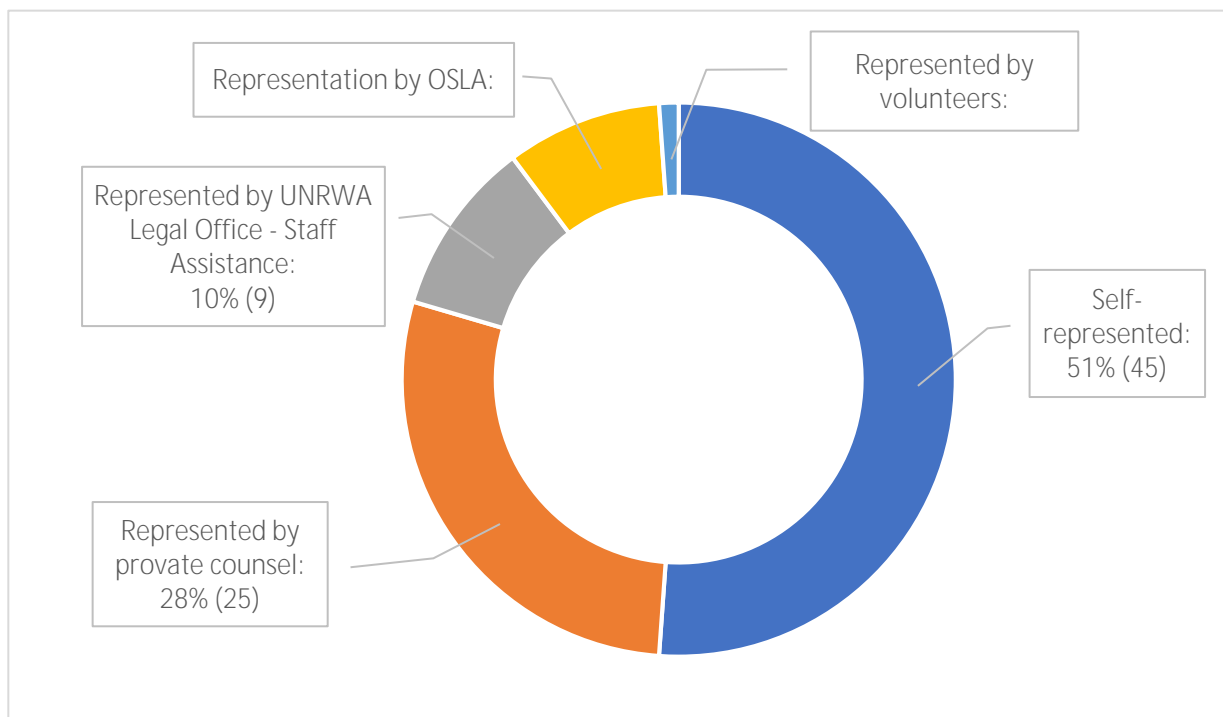
the Standing Committee acting on behalf of the UNJSPB; 17 appeals against judgments rendered by the UNRWA Dispute Tribunal (15 filed by staff members and two on behalf of the Commissioner-General); one appeal against a decision of the Registrar of ITLOS; one appeal against a decision of the Secretary General of ICAO; one appeal against a decision of the Registrar of the ICJ; and one appeal against a decision of the Secretary-General of the IMO. They also included 5 applications for revision of UNAT judgments and 2 applications for interpretation of a UNAT judgment.

42. The ratio of appeals against UNDT judgments filed by staff members compared to those filed on behalf of the Secretary-General changed from 2016. In 2016, 71 per cent of the appeals were filed by staff members and 29 per cent were filed on behalf of the Secretary-General,

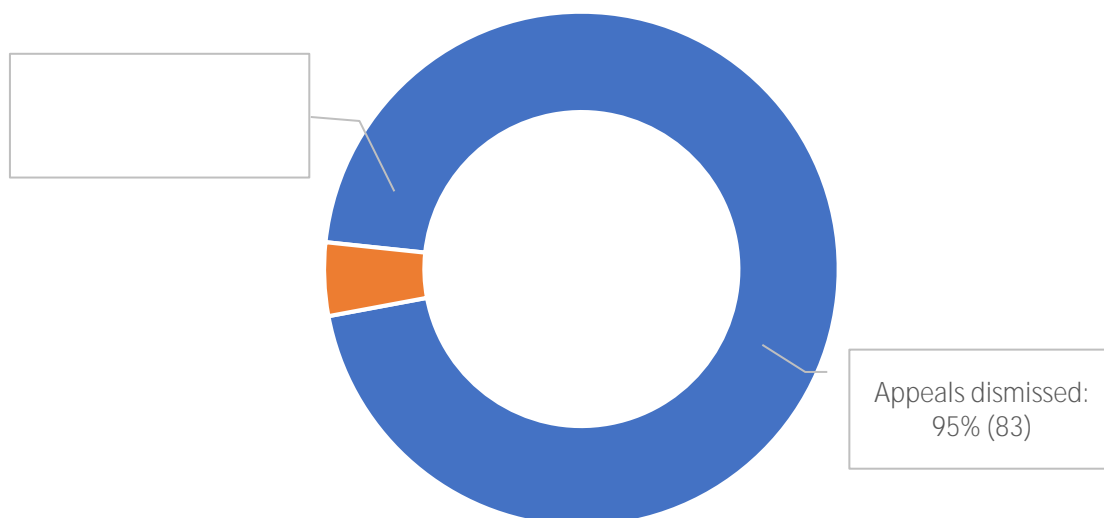
43. Table 7 reflects a breakdown of UNAT judgments, orders and hearings for the period 2009 to 2017.

2009	N/A	N/A	N/A
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
2014	100	42	1
2015	114	39	2
2016	101	27	2
Total	811	305	25

44. The representation of staff members in 2017 is demonstrated in the following chart.¹⁵

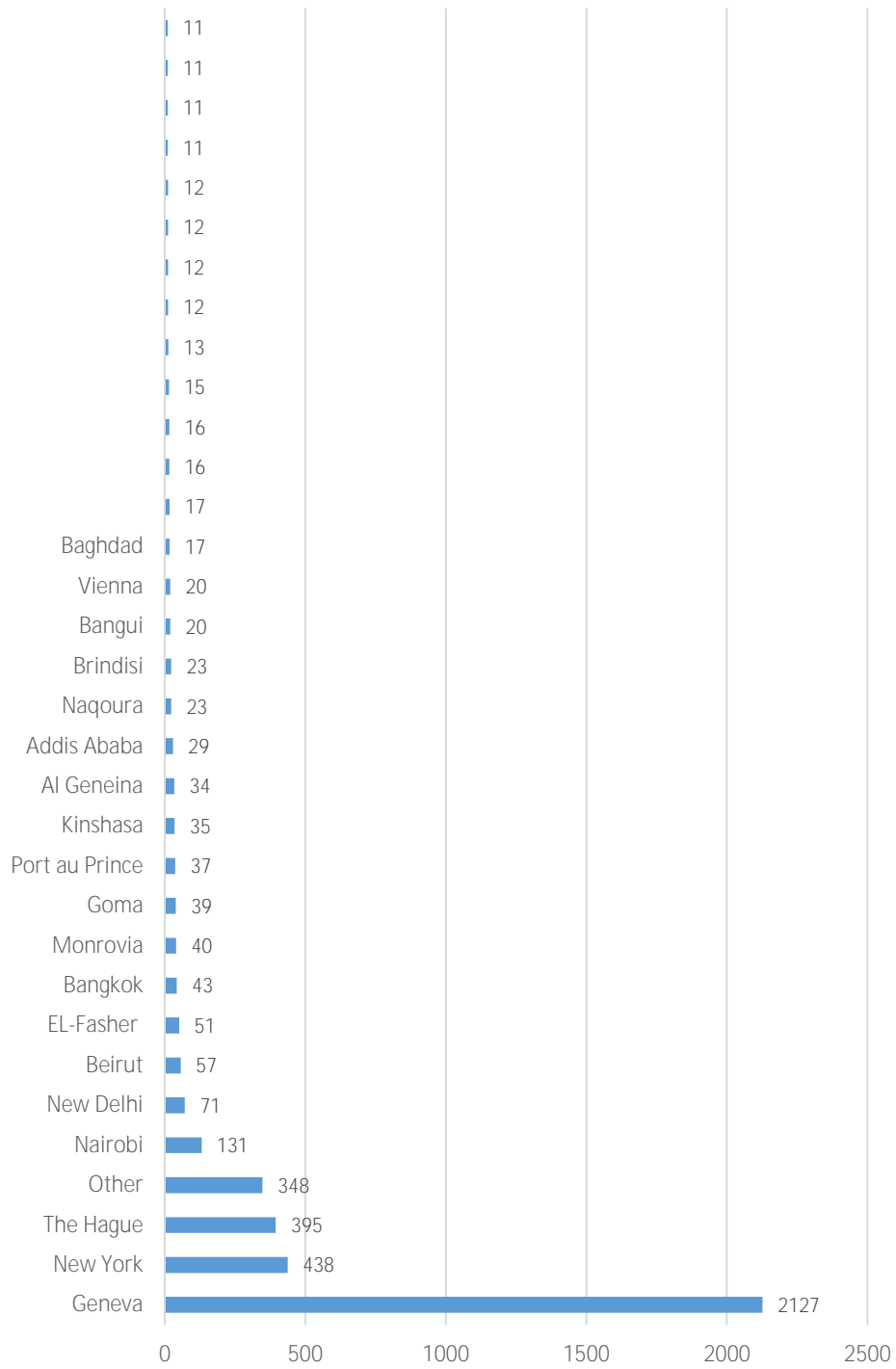


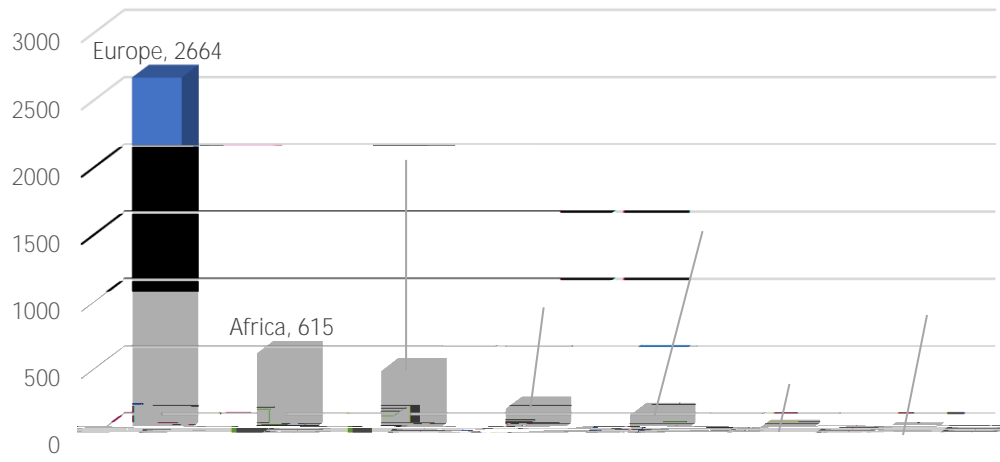
-
45. UNAT disposed of 148 cases by judgment and closed four appeals by judicial order or administratively, by action of the Registry upon instruction of the President.
 46. The 100 judgments rendered by UNAT in 2017 disposed of 148 cases. The Appeals Tribunal disposed of 121 appeals against 115 Dispute Tribunal judgments (in 73 UNAT judgments), one appeal against an ICAO decision, one appeal against an ICJ Registrar decision, one appeal against an IMO decision, seven appeals against decisions of the Standing Committee of the UNJSPB and 13 appeals against UNRWA Dispute Tribunal judgments. The Appeals Tribunal also rendered four judgments on applications for revision. UNAT further considered seven cross-appeals, which it disposed of in the respective judgments on the appeals; the cross-appeals are not counted separately.
 47. Charts 8 and 9 illustrate the outcome of appeals filed by staff members.



Committee of the UNJSPB.

-
58. The Office of Staff Legal Assistance continued to provide advice and representation to United Nations staff worldwide, at all levels, on a wide range of employment matters, from non-

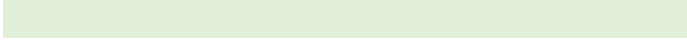




71. A large number of UNDT applications filed in Geneva were transferred to the Nairobi Tribunal due to the recusal of a Geneva Judge, resulting in elevated workflow perspective.

72.

Stage of process at which case resolved or settled	Number of cases resolved other than by settlement agreement in 2017	Number of cases settled in 2017
--	---	---------------------------------



1.

11. In this respect, it would be incorrect to distil 2014-UNAT-481 that only administrative acts which are subsequent to regulatory acts of the General Assembly or Secretary-General may be contested before the UNDT. The gist of the issue contemplated in the UNAT judgment was to distinguish regulatory acts from individual administrative decisions when they remain in a normative or other causal relation. However, whether an individual administrative decision would be or incorrectly are matters valid for the question of legality of an administrative decision and not for the question of its receivability for review.

12. Rather, the issue material for receivability whether a designation of a specific post for abolition is per s of appointment. In this respect, UNDT noted that UNAT took a firm stance that acts prefatory to abolition of a post have no direct effect on the conditions of employment as these only occur when the abolition is being implemented. UNDT observed, however, that applying the UNAT judgment to deny the staff an ability to autonomously challenge a decision on designation of his or her individually

15.

claim for loss of personal effects after all staff in Camp Faouar of the UN Disengagement Observer Force (UNDOF) in Syria, including the Applicant, were relocated/evacuated to Camp Ziouani in the

reasonable basis, for the Applicant to pack the said items in his run bag; and consequently, in all the circumstances, he could not have been said to have been negligent. Accordingly, the UNDT granted

32. In 2017, the High Regional Court in Stuttgart, Germany, convicted the accused as an accessory to (i) deprivation of liberty; (ii) attempt of extortion under threat of force, and (iii) (aggravated) kidnapping, thus sentencing him to three and a half years of imprisonment.

33. At the time of the proceedings before UNDT, the Applicant published a book in which he described her city of residence were provided,

34. The UNDT found that the decision to release the BOI report constituted an administrative decision for the purpose of art. 2.1(a) of its Statute. It stressed that despite its obligations under the Convention on Privileges and Immunities of the United Nations ve refused disclosing the BOI report on the basis of the inviolability of its archives. It further noted that while, under the Convention, privileges and immunities are granted to the Organization and not for the benefit of individual staff members, a decision by the Organization to disclose to national authorities a document containing information about a staff member and/or his/her family could

right to sa

35. With respect to the merits of the case, UNDT examined, inter alia, the extent and limits of the

whether the Organization duly took the latter into account when it decided to disclose the redacted BOI report to the German authorities.

36.

is limited first and foremost by and archives. As the *Note Verbale*

er the Convention and had to weigh its duty to cooperate against other factors, including its duty of care vis-à-vis the Applicant.

37.

must provide a healthy and safe working environment for and to ensure the safety of its staff. That may encompass a

authorities, including proof of life videos and names of negotiators, to protect the interests of the Organization and the security of its staff, including those who had acted as negotiators in situations like the one the Applicant endured. Contrary to what the Applicant suggested, the UN did not exercise its discretion in an arbitrary way with respect, on the one hand, of the disclosure of the BOI report and, on the other hand, of the non-disclosure of the proof-of-life videos and the names of the negotiators. In light of all the circumstances, UNDT was satisfied that the disclosure of the BOI report, and its level of redaction, were not arbitrary, unreasonable or unfair towards the Applicant.

40. UNDT was also satisfied from the evidence provided at the hearing that by releasing the BOI

noted that the accused was convicted by the German Court. Hence, while it may have made it more difficult and stressful for the Applicant to provide his evidence in light of the BOI report, ultimately the conviction of the accused demonstrates that the release of the BOI report had either no impact or a positive one on the outcome of the criminal proceedings against the accused. Within the realm of judicial control of discretionary decisions, the UNDT therefore found that the disclosure of the BOI report was the result of a proper assessment undertaken by the Organization and did not violate its

for dependent family members was then separated from the salary and, therefore, the gross and net base salaries of staff members previously paid at the dependency rate were reduced. Changes were also made to the eligibility criteria for the support provided to families.

45. T

50. UNDT further found that it had jurisdiction to review the contested

insofar as the staff rules prevent the transitional allowance to be transferred to a second dependent child when the one in respect of which the transitional allowance is paid turns 21. UNDT found that it was clear from the General Assembly resolution that by granting the transitional allowance, at the moment of the introduction of the new USS, to the child in respect of whom the staff member was paid at the dependency rate as of 31 child in respect of whom the allowance is turns 21, the General Assembly intended that it would not be transferable to any other child. UNDT found this matter was beyond the scope of its review powers.

57. UNDT rescinded the Secretary-portion that was previously paid on the basis that they have a dependent child entitling them to be paid at the dependency rate, and clarified that the effect of the rescission entails that the 6% reduction

4. The fixed-term appointments of 51 appellants, all former Language Assistants at the General Service level with MONUSCO, expired on 30 June 2015 and were not renewed because the posts they encumbered had been abolished by a decision of the General Assembly with effect from 1 July 2015. The appellants challenged the non-renewal of their appointments and several ancillary matters before the UNDT.

5. The UNDT issued 51 individual judgments, dismissing the applications. The UNDT found that the claims regarding the non-renewal of the appointments were not receivable because the appellants had no standing to challenge a decision by the General Assembly and the decision of the General Assembly was binding on the Secretary-General who properly implemented it. The UNDT also held that the re-engaging by U

14. UNAT

that the decision was improper and as well

separated from the Organization.

grounds that the staff member did not present any evidence, apart from his own unsworn testimony

corroboration by independent evidence (expert or otherwise) affirming that non-pecuniary harm has

