

UNITED NATIONS DISPUTE TRIBUNAL

The Application and Procedural History

1. The Applicant is an employee of the International Civil Aviation Authority (ICAO), who sustained injuries while serving with the Organisation in Somalia.

2. On 28 November 2019, the Applicant filed an application with the United

1 DWLRQV 'LV SXWH 7ULEXQDO VLWWLQ to compensate DELUREL FKD
her for the injuries sustained during the course of duty.

Considerations

3. The conditions governing appeals by ICAO staff members are specified in the Statute and the Agreement between the United Nations and ICAO signed on 23 December 2009 by the Secretary General of ICAO and on 6 January 2010 by the Secretary-General of the United Nations (Agreement).

4. Article 2(6) of the Agreement provides:

An application shall not be receivable unless the person concerned has

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\$UWLFOH SDUDJUDSK RI WKH 6Wd.WXWH' RI WKH \$SS

7. In other words, an applicant who is dissatisfied with the decision of the AJAB
ZRXOG WKHQ KDYH WKH ULJKW WR FKDOOHQJH WKH ODV
Appeals Tribunal.

8. In Ortiz, the Appeals Tribunal held:

[A]n appeal [is] referred to the Appeals Tribunal, not directly against
the original administrative decision, but against the final decision
taken by the Secretary-General upon completion of the first-instance
SURFHGXUH ,W LV WKLV 7ULEXQDO¶V EXVLQHVV W
conclus LRQV DQG UHFRPPHQGDWLRQV DQG WKH UHDVR
normally be no need for any other evidence than that submitted to
AJAB.²

9. The United Nations Dispute Tribunal therefore has no jurisdiction to
adjudicate on the ASSOLFDQW¶V GLVSXWH ZLWK , & \$ 2

10. This application is dismissed.

(Signed)

Judge Margaret Tibulya

Dated this 13th day of December 2019

Entered in the Register on this 13th day of December 2019

(Signed)

Eric Muli, Legal Officer for
Abena Kwakye-Berko, Registrar, Nairobi

¹ Williams v. Secretary General of the International Civil Aviation Organization Judgment No. 2013-UNAT-376, para. 23.

² 2012-UNAT-231, para. 33.