





A. On 27 June 2014, the Director of the Department of Peacekeeping Operations issued guidelines on the administration of the T21 to staff members in the Geneva area. These guidelines set out the Department's policy on the use of force by staff members in the Geneva area. The guidelines are effective from 1 July 2014.

12. )0 mot#on of 16 June 2016% t e 1es!ondent &e;usted t at t e \$ase 'e adCud#\$ated '0 summa&0 Cudgment% g#+en t at t e A!!"#\$ant fa#"ed to su'm#t a management e+a"uat#on &e; uest !&#o& to se#E#ng t e T&#'una".

13. )0 <&de& No. 136 ,GVA/2017/ of 17 June 2016% t e A!!"#\$ant :as &e;usted to f#"e \$omments on : et e& t e &e;u#s#te management e+a"uat#on ad 'een su'm#tted :#t #n t e mandato&0 609da0 t#me "#m#t% : # \$ s e d#d on 2B June 2016.

17. T e 1es!ondent &e!"#ed on 13 Ju"0 2016.

1A. T e A!!"#\$ant?s !&#n\$#!a" \$ontent#ons on &e\$e#+a'#"#t0 a&eF

a. T e A!!"#\$ant &a#sed #ssues on e& T21 !a0ment : en s e &e\$e#+ed #t #n No+em'e& 2013% 'ut s e unde&stood t at t e matte& of t e Oeak"0 &e+a"uat#on :as st#" unde& d#s!ute 'et:een t e UN( ) (o\$a" \*taff Un#on and t e Adm#n#st&at#on. @o&eo+e&% s e ad &e!eated"0 &e;usted UN( )?s management &e+#e : and \$"a&f#\$at#on as to t e \$o&&e\$t a!!"#\$at#on as soon as s e 'e\$same a :a&e of t e &e+#s#on of t e gu#de"#nesD and

' . )0 ema#" of 12 A!&#" 2016% t e A!!"#\$ant &e;usted to t e D#&e\$to& UN( )/UNG\*C% to &e\$ons#de& t e de\$#s#on% to : # \$ e &es!onded negat#+e"0.

16. T e 1es!ondent?s !&#n\$#!a" \$ontent#ons on &e\$e#+a'#"#t0 a&eF

a. T e a!!"#\$at#on #s not &e\$e#+a' "e % s#n\$e t e A!!"#\$ant d#d not su'm#t t e \$ontested de\$#s#on fo& management e+a"uat#on% as &e;u#&edD

' . T e A!!"#\$ant d#d not &e; uest management e+a"uat#on of t e \$ontested de\$#s#on and \$an no "ong& do so as t e 609da0 t#me "#m#t fo& t at !u&!ose as e"a!sed. T #s #s so : et e& t e \$ontested de\$#s#on #s \$ons#de&ed to a+e 'een ta&en #n No+em'e& 2013 o& #n De\$em'e& 201AD

\$. The documents submitted to the Tribunal's secretariat do not contain a request for management evaluation of an employee engaged in the Tribunal's activities and the head of the secretariat did not meet the requirements to be appointed under the United Nations.

17. Staff rule 11.2, Management Evaluation of Staff

,a/ A staff member is required to formally contest an administrative decision affecting non-Somali staff only if it is of a substantial nature and if it is in violation of the terms of the Staff Regulations and Rules. Pursuant to staff regulation 11.1, a staff member may also submit to the General Assembly a request for a management evaluation of the administrative decision.

G

,\$/ A request for a management evaluation shall not be considered if it is submitted to the General Assembly unless it is sent within 60 days from the date on which the staff member has been notified of the administrative decision to be contested.

18. On the issue of article 8.1, of the Tribunal's statute for an appeal to be considered a final and binding appeal.



2A. A &gua' "0% t e #m!ugned de\$#s#on #n t #s \$ase : as made #n No+em'e& 2013% t at #s% : en t e T21 !a0ment : as effe\$ted. T #s a! !ea&s a"" t e mo&e !"aus#' 'e s#n\$e t e&e #s not #ng to suggest t at t e A!!"# \$ant made an0 so&t of \$a+eat ma&ng e& a\$e!tan\$e of t e 2013 !a0ment \$ond#t#ona" on su'se;uent ag&eements on t e \$a"\$u"at#on of t #s ent#t'ement. 6f% ne+e&t e"ess% t e T&#' una" : e&e to fo""o : t e A!!"# \$ant?s \$"a#m t at t e \$a"\$u"at#on of t e T21 : as an o!en #ssue at t e mate&#a" t#me and t at #t : as to 'e su'se;uent"0 &e\$ons#de&ed on t at 'as#s% #t #s und#s!uta' 'e t at a f&m de\$#s#on #n t #s &es!e\$t : as made and not#f#ed to t e A!!"# \$ant t &oug t e ema#" of t e C #ef of t e >uman 1esou&&\$es <ff#\$e dated B De\$em'e& 201A.

26. 6n sum% B De\$em'e& 201A : as t e "atest date at : # \$ #t \$ou"d &easona' "0 'e \$ons#de&ed t at t e \$ontested de\$#s#on : as made. Iet% e+en #n e& o:n a\$\$ount% t e A!!"# \$ant d#d not : &#te to t e D#&e\$to&& UN( )/UNG\*C% unt#" 12 A!&#" 2016% t us% : e"" e=\$eed#ng t e 609da0 dead"#ne.

27. >a+#ng found t e a!!"# \$at#on to 'e &&&e\$e#+a' "e" t e T&#' una" oug t not to ente& #nto t e me&#ts of t e \$ase , 20139UNAT927B% !a&as. 23 and 27/.

28. 6n +#e : of t e fo&ego#ng% t e T&#' una" D5C6D5\*F

T e a!!"# \$at#on #s d#sm#ssed as &&&e\$e#+a' "e.

, /

Judge 1 o : an Do : n#ng

Dated t #s 22<sup>nd</sup> da0 of 2e' &ua&0 2017

5nte&ed #n t e 1eg#ste& on t #s 22<sup>nd</sup> da0 of 2e' &ua&0 2017

, /

1enJ @. Va&gas @.% 1eg#st&&& Gene+a