

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

*Registry's translation,  
the French text alone  
being authoritative.*

**T. (No. 4)**

**v.**

**Interpol**

**140th Session**

**Judgment No. 5019**

THE ADMINISTRATIVE TRIBUNAL,

Considering the fourth complaint filed by Ms V. T. against the International Criminal Police Organization (Interpol) on 26 October 2021 and corrected on 6 December 2021, Interpol's reply of 4 May 2022, the complainant's rejoinder of 23 September 2022, corrected on 4 October 2022, and Interpol's surrejoinder of 16 January 2023;

Considering the additional documents and information submitted by Interpol on 17 February 2025 in response to requests for further submissions from the President of the Tribunal;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the decision to abolish her post.

Facts relevant to this dispute are to be found in Judgment 5017, also delivered this day, concerning the complainant's second complaint. Suffice it to recall here that on 1 March 2007 the complainant joined the Organization at its Headquarters in Lyon, France, as Assistant Director for the Human Resources Management Sub-Directorate, on a three-year

fixed-term contract. Her appointment was confirmed in February 2008 and converted to an indeterminate appointment in July 2009.

In late 2015, it was decided, as part of a restructuring and staff redeployment process, that human resources should become a directorate in its own right. Following studies carried out by the Organization and a group of experts and recommendations to this effect issued by the Strategic Management Board, the process of creating a Human Resources Directorate, headed by a Director, Ms C., who took up her duties on 14 August 2017, was implemented.

On 16 November 2017 the complainant submitted two complaints of moral harassment to the Secretary General against the Executive Director for Resource Management, Mr G.-K., and Ms C. On 12 December 2017 she submitted a claim to the Secretary General challenging what she regarded as a *de facto* termination of her appointment resulting from the “reclassification of [her] post, its advertisement and the appointment made at the end of that procedure, or the abolition of [her] post and the creation of the post of Human Resources Director and the appointment made to that post, or the removal of [her] duties or the essential substance thereof”\*. Following the rejection of that claim, on 20 February 2018 she lodged her first internal appeal, the outcome of which gave rise to her second complaint before the Tribunal.

On 16 January 2018 the complainant was informed of the Secretary General’s decision to appoint two investigators to look into her allegations of harassment and to assign her temporarily and with immediate effect to the post of Technical Advisor in the Project Management Office. By a memorandum of 3 July 2018, the Secretary General notified her of his decision – taken following inquiries carried out between January and May 2018 – to dismiss her harassment complaints as unfounded, to end her temporary assignment to the Project Management Office and to place her on compulsory leave for a short period in order to resume the consideration of the adjustment of her duties which had been interrupted in November 2017. Following

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\* Registry’s translation.

that decision, the complainant lodged a second internal appeal on 1 September 2018, the outcome of which gave rise to her third, seventh and eighth complaints before the Tribunal.

By a letter of 31 July 2018, the complainant was informed of several measures that had been or were to be taken in her regard, namely: (1) the abolition of the post she had held before the restructuring; (2) the steps that Interpol was going to take over a three-month period to try to reassign her to a vacant post corresponding to her qualifications and experience; (3) her temporary assignment to the Internal Oversight Sub-Directorate from 6 August 2018 and the extension of her paid leave for a further three days; (4) the possible measure of termination of appointment which could be taken by Interpol in the event of an unsuccessful reassignment procedure or the complainant's refusal to accept a post identified by the Organization; and (5) the settlement of her pension entitlements and the indemnities to be received on the termination of her appointment.

On 27 September 2018 the complainant lodged a third internal appeal challenging the decision of 31 July 2018. She stated that the decision to abolish her post “[did] not serve any purpose since the abolition had already taken place and had been effective for months”\*, which rendered it “superfluous and as such unlawful and legally non-existent”\*. She sought the withdrawal of that decision, as well as of the decision to place her on compulsory leave, which she regarded as devoid of any legal basis, full compensation for the injury she considered she had suffered and an award of costs.

During its examination of the appeal, the Joint Appeals Committee – which had already received the aforementioned two appeals lodged respectively on 20 February 2018 and 1 September 2018 – received two other appeals lodged by the complainant on 26 February and 17 April 2019, concerning respectively the rejection of the complaint of institutional harassment she had lodged on 31 October 2018 and the Secretary General's decision of 18 February 2019 terminating her

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\* Registry's translation.

appointment, which also concerned the settlement of her pension entitlements.

Having noted the similarity of the issues involved, the Joint Appeals Committee decided to join the five appeals and alerted the Secretary General to the multiplication of “notices of challenge”<sup>\*</sup> and “protest”<sup>\*</sup> from claimants represented by the same counsel, which prevented it from working efficiently. The executive head reported these notices to the professional bodies to which the complainant’s counsel belonged.

In the single opinion it issued on 1 April 2021, the Committee concluded, in particular, that the Organization had complied with the applicable rules as well as the international legal framework concerning restructuring and post abolitions, which made the decision of 31 July 2018 lawful.

By a letter of 28 July 2021 concerning the appeals dealt with by the Committee other than those relating to the three harassment complaints, the complainant was informed of the Secretary General’s decision to follow this recommendation and consequently to reject her appeal of 27 September 2018. That is the decision impugned in the present case.

The complainant asks the Tribunal to set aside the part of the impugned decision relating to her appeal of 27 September 2018, as well as the entirety of the decision of 31 July 2018 and “the initial decision to divest the post of Assistant Director for [the] Human Resources [Management Sub-Directorate] of its substance or to deprive her of her duties”<sup>\*</sup>. She also seeks compensation for the moral injury she considers she has suffered, which she assesses at a minimum of 50,000 euros for the unlawful decision to abolish her post, as well as compensation of 22,000 euros for the length of the internal appeal procedure, and an award of 8,000 euros in costs.

Interpol asks the Tribunal to dismiss the complaint as unfounded.

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<sup>\*</sup> Registry’s translation.

## CONSIDERATIONS

1. In her fourth complaint, the complainant seeks the setting aside of the Secretary General's decision of 28 July 2021 by which he informed her that he had decided to follow the recommendation contained in the opinion of the Joint Appeals Committee of 1 April 2021 to reject her internal appeal of 27 September 2018 and to confirm his previous decision of 31 July 2018 to abolish the post of Assistant Director for the Human Resources Management Sub-Directorate.

This abolition was the result of a restructuring process that had led to the creation of a new Human Resources Directorate and the appointment of a new Director.

2. Interpol asks the Tribunal to consider the possibility of joining the present complaint with the seven other complaints filed by the complainant on 26 October 2021. However, as the Tribunal explained in considerations 5 to 7 of Judgment 5017, also delivered this day on the complainant's second complaint, it is not appropriate to order that the present complaint be joined with any of the seven other complaints.

3. As a threshold issue, the Tribunal recalls that, according to firm precedent, a decision concerning the restructuring of an international organisation's services, including one involving the abolition of a post, lies at the discretion of the executive head of the organisation and is therefore subject to only limited review (see, for example, Judgments 4844, consideration 3, 4841, consideration 4, and the case law cited therein).

As the Tribunal stated in Judgment 4819, consideration 6, in such cases, its role is to ascertain whether "decisions are taken in accordance with the relevant rules on competence, form or procedure, whether they rest upon a mistake of fact or of law, or whether they constitute abuse of authority. The Tribunal shall not rule on the appropriateness of a restructuring or of decisions relating to it, and it shall not substitute the organization's view with its own [in such situations] (see, for example, Judgments 4608, consideration 7, 4405, consideration 2, 4180,

consideration 3, or 4004, consideration 2, and the case law cited therein)” (see also, to this effect, Judgments 4937, consideration 2, and 4935, consideration 4).

However, the Tribunal has repeatedly found that the abolition of any post must be based on objective grounds and must not serve as a pretext for removing staff regarded as unwanted, since this would constitute an abuse of authority (see, on this matter, Judgments 4599, consideration 11, 4353, consideration 6, 2830, consideration 6(b), and 1231, consideration 26).

4. Among the complainant’s many pleas against the decision of 31 July 2018 to abolish her post, there are three which, since they relate to significant breaches of rules of form and procedure, fall within the limited scope of the Tribunal’s power of review defined above and are decisive for the outcome of the dispute. These pleas relate to the breach of the complainant’s right to be duly informed that the Organization was considering abolishing her post, her right to be heard prior to the implementation of that measure and her right to be informed of the reasons for the abolition when she was notified of it.

5. In this regard, it firstly emerges from the documents in the file that on 22 December 2017, in response to the claim that the complainant had lodged on 12 December to challenge what she regarded as the *de facto* termination of her appointment and at the time when the inquiry into the two complaints of moral harassment she had lodged against her superiors on 16 November 2017 was beginning, the Secretary General expressly informed her that she remained “a senior member of the Organization’s management staff and that [her] post [had] certainly not been abolished [at that point]”\*. He also informed her on that occasion that the Organization wished to enter into a dialogue with her about the redefinition of her duties and expressed the wish to involve her closely in that exercise.

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\* Registry’s translation.

Subsequently, when the executive head informed the complainant of the rejection of her two harassment complaints on 3 July 2018, he assured her that the Organization now intended to consider adjusting her duties or any relevant organisational measure, with due regard for her rights, without mentioning a potential abolition of her post.

Lastly, in the decision of 31 July 2018 notifying the complainant of the abolition of her post of Assistant Director for the Human Resources Management Sub-Directorate, the Secretary General merely indicated that the Organization had reviewed the administrative situation of the post and that it was abolished as from that date.

6. With regard firstly to the complainant's right to be informed that Interpol was considering simply abolishing her post, the Tribunal recalls that the general principle of good faith and the related duty of care demand that international organisations treat their staff with due consideration in order to avoid causing them undue injury and that they must consequently inform their officials in advance of any action that might imperil their rights or harm their rightful interests (see Judgments 4777, consideration 6, 4072, consideration 8, 3861, consideration 9, and 3071, consideration 30).

The Tribunal notes that, while the complainant was aware of the need to take restructuring measures for the creation of the new Human Resources Directorate, she had not been informed at any time of the action planned in her respect until she received notification of the decision to abolish her post on 31 July 2018. Quite on the contrary, the Organization had until then been at pains to reassure her in this respect, emphasizing that her post had not been abolished and that the process of assessing and reviewing the situation of that post, in particular with a view to redefining her functions within Interpol, would be carried out in close collaboration with her.

The Tribunal considers that this was clearly not the case. As the complainant rightly submits, she was never informed of the potential consequences of the restructuring of the Human Resources Directorate on her situation, nor of the risk that her post could be abolished as a result. Similarly, she was not warned of the risk that the creation of the

post of director of the new directorate posed to the existence of her own post and was never informed of the Organization's plan to abolish her post until it was implemented and notified to her on 31 July 2018.

The plea alleging breach of the complainant's right to be duly informed that the Organization was considering abolishing her post is therefore well-founded.

7. With regard, secondly, to her right to be heard before the decision to abolish her post was taken, it is clear from the file that, contrary to what the Organization had itself undertaken to do, the complainant was not consulted in any way before the decision of 31 July 2018.

Under the Tribunal's settled case law, the Organization was required to consult the complainant about the planned abolition of her post in order to allow her to state her views before a decision to that effect was taken (see, for example, Judgments 4819, consideration 7, 4622, consideration 10, 3124, consideration 3, 1817, consideration 7, and 1484, consideration 8).

The Organization's argument that the restructuring process during which the post was abolished was justified and appropriate is of no relevance to Interpol's duty to observe the complainant's right in this respect.

The second plea, alleging a breach of the right to be heard, is therefore also well-founded.

8. As regards the third plea, relating to the failure to state adequate reasons for a decision, the complainant submits that the decision to abolish her post, which was notified to her on 31 July 2018, did not contain any reasons.

In that regard, the Tribunal notes, firstly, that the decision of 31 July 2018 to abolish the post merely states that it follows a review of the administrative situation of the complainant's post, without specifying why that abolition was necessary or what the objective reasons were. Secondly, the documents in the file show that the complainant's requests for explanations in the days that followed went

without a satisfactory reply. Thus, in response to her explicit request to that effect of 2 August 2018, the complainant was given the astonishing explanation on 13 August 2018 that, because of her pending internal appeal of 20 February 2018 by which she challenged what she regarded as the implied abolition of her duties and the withdrawal of her responsibilities, any informal discussion or communication with her on the matter risked complicating the proceedings and creating confusion.

In fact, it appears from the file that it was only in the reply to the present complaint that the Organization provided detailed explanations in support of the decision to abolish the post, stating in particular that the complainant's absence from the Human Resources Directorate as from January 2018, due to her harassment complaints against her superiors and the conduct of the related inquiries, had necessitated the temporary reorganisation and redistribution of her tasks, that it had emerged from this that the Directorate could function without an assistant director and that it was this fact and her very limited presence between June and December 2017 that had prompted the Secretary General to take the decision to abolish her post.

In Judgment 4935, consideration 4, the Tribunal recalled that a decision to abolish a post must be communicated to the staff member occupying the post in a manner that safeguards that individual's rights. These rights are safeguarded by giving proper notice of the decision, reasons for the decision and an opportunity to contest the decision. The Tribunal has further stated that the need to give reasons in support of adverse administrative decisions arises precisely because the affected staff member must be given an opportunity of knowing and evaluating whether or not the decision should be timely contested (see also Judgments 4923, consideration 10, and 3041, considerations 8 and 9).

As the Organization failed to comply with this requirement in the present case, the third plea is also well-founded.

9. It follows from considerations 5 to 8 above that the Secretary General's impugned decision of 28 July 2021 and his earlier decision of 31 July 2018 must be set aside, without there being any need to rule

on the complainant's other objections regarding their lawfulness and merits.

10. Apart from her general claim for full compensation for the moral injury she considers she has suffered, the complainant does not seek specific compensation for material injury. In any event, to the extent that the decision to abolish the post did not, in itself, bring about the termination of appointment, the Tribunal will not award material damages for the setting aside of that decision (see, to this effect, Judgment 4844, consideration 8).

11. As regards the complainant's request that she be awarded moral damages of a minimum of 50,000 euros, the Tribunal considers that, in view of the lack of evidence for alleged breaches of her rights and all the circumstances of the case, fair compensation will be made for the moral injury suffered by the complainant as a result of the unlawfulness of the contested decisions by awarding her compensation of 10,000 euros under this head.

The Tribunal observes that none of the other pleas against those decisions are such that they would result in an increase in the amount of damages awarded.

12. As regards the length of the internal appeal procedure, for which the complainant claims moral damages of 22,000 euros, it is the Tribunal's settled case law that officials are entitled to have their appeals examined with the necessary speed, in particular having regard to the nature of the decision which they wish to challenge (see, for example, Judgments 4922, consideration 22, 4660, consideration 24, 4457, consideration 29, or 4063, consideration 14). Moreover, the unreasonableness of a delay in examining an internal appeal must be assessed in the light of the particular circumstances of the case and the amount of compensation liable to be granted under this head ordinarily depends on two considerations, namely the length of the delay and the effect of the delay on the employee concerned (see, for example, Judgments 4844, consideration 11, 4727, consideration 14, 4684,

consideration 12, 4635, consideration 8, 4173, consideration 12, or 3160, consideration 17).

In the present case, while the time that has elapsed between the lodging of the internal appeal on 27 September 2018 and the adoption of the impugned decision on 28 July 2021 seems excessive in absolute terms, it should be noted, as the Tribunal emphasized in Judgment 5018 also delivered this day, that this delay occurred in specific and exceptional circumstances where the complainant lodged five consecutive internal appeals stemming from the same continuum of events, resulting in extensive exchanges of submissions that concluded in March 2020 and an examination by the Joint Appeals Committee that lasted several weeks. In addition, those submissions reveal a particularly acrimonious antagonism between the parties, which undoubtedly hindered the efficient and speedy handling of the cases.

Lastly, the Tribunal notes that, in this case, the complainant does not establish the existence of any specific injury that can be dissociated from her other cases.

In the circumstances, the Tribunal considers that the delay in delivering the impugned decision of 28 July 2021 is not such as to warrant the award of compensation under this head in the context of the present complaint.

13. As she succeeds, the complainant is entitled to costs, which the Tribunal sets at the requested amount of 8,000 euros.

#### DECISION

For the above reasons,

1. The decision of the Secretary General of Interpol of 28 July 2021 as well as the decision of 31 July 2018 are set aside insofar as they concern the abolition of the complainant's post.
2. Interpol shall pay the complainant moral damages of 10,000 euros.

3. It shall also pay her 8,000 euros in costs.
4. All other claims are dismissed.

In witness of this judgment, adopted on 19 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

*(Signed)*

PATRICK FRYDMAN    JACQUES JAUMOTTE    CLEMENT GASCON

RENÉ M. VARGAS M.