

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

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

**T. (No. 5)**

**v.**

**Interpol**

**140th Session**

**Judgment No. 5020**

THE ADMINISTRATIVE TRIBUNAL,

Considering the fifth 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 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 terminate her appointment following the suppression of her post.

Facts relevant to this dispute are to be found in Judgments 5017 and 5019, also delivered this day, concerning the complainant's second and fourth complaints. 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, as part of a restructuring and staff redeployment process, it was decided 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. She was offered mediation on 22 November 2017, which she refused. 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”<sup>\*</sup>.

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.

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<sup>\*</sup> Registry’s translation.

By a letter of 31 July 2018, the complainant was informed of several measures that had been or were to be taken in relation to her, namely: (1) the abolition of the post she had held before the restructuring; (2) the steps that Interpol was 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 if the reassignment procedure was unsuccessful or the complainant refused 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 2 November 2018 the complainant was notified of the Secretary General's decision to terminate her appointment with immediate effect following the abolition of her post and the failure of the reassignment procedure that had been conducted. She was informed that she was granted six months' notice, during which she was excused from performing her duties, and several termination indemnities. On 3 December 2018 she requested a review of this decision, "including the decision to settle [her] pension entitlements by paying [her] sums in respect of the interim retirement plan". She asked for the decisions to be withdrawn, full redress for the material and moral injury she considered she had suffered and an award of costs. The request for review was rejected on 18 February 2019.

On 17 April 2019 she lodged an appeal against the decision of 18 February 2019 confirming the initial decision to terminate her appointment. She sought its withdrawal, her reinstatement, compensation for the injury allegedly suffered and an award of costs.

During its examination of this appeal, the Joint Appeals Committee – which had already received the complainant's four other internal appeals lodged respectively on 20 February 2018, 1 September 2018, 27 September 2018 and 26 February 2019, against what the complainant

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\* Registry's translation.

regarded as a deprivation of her duties amounting to a dismissal following the abovementioned restructuring, the rejection of her harassment complaints and her placement on compulsory leave, the decision to suppress her post and the rejection of the complaint of institutional harassment she had submitted on 31 October 2018 – noted the similarity of the issues raised and decided to join the five appeals.

In the single opinion it issued on 1 April 2021, the Joint Appeals Committee concluded that the Organization had complied with the applicable rules and the Tribunal’s case law and recommended, in particular, that the complainant’s appeal against the decision to terminate her appointment be rejected.

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 17 April 2019. 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 17 April 2019, as well as the initial decision of 2 November 2018 terminating her appointment and the decision of 18 February 2019 rejecting her request for review. She also seeks reinstatement or, in the alternative, payment of the “difference in remuneration net of tax for the five years following dismissal”\*, including the amount of contributions to social security schemes, together with interest at the rate of 5 per cent per annum, and claims compensation of at least 250,000 euros for what she regards as the loss of opportunity to remain in the service of the Organization. Lastly, she seeks compensation for the moral injury she considers she has suffered, which she assesses at a minimum of 90,000 euros, as well as compensation of 15,000 euros for the length of the internal appeal procedure and an award of 8,000 euros in costs.

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\* Registry’s translation.

Interpol notes that the claim for compensation for the material injury allegedly suffered as an alternative to reinstatement was not made at the internal appeal stage and is therefore irreceivable. It asks the Tribunal to dismiss the complaint as unfounded.

### CONSIDERATIONS

1. In her fifth 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 17 April 2019 and to confirm his previous decision of 2 November 2018 to terminate her appointment and the decision of 18 February 2019 to reject the request for review of the termination of her appointment.

The termination of her appointment followed the decision, taken on 31 July 2018, to abolish the post of Assistant Director of the Human Resources Management Sub-Directorate held by the complainant, which 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. Among the many pleas put forward by the complainant against the decision to terminate her indeterminate appointment, there are two that are decisive for the outcome of the present dispute. These pleas relate, firstly, to the complainant's challenge to the lawfulness of the decision to abolish her post that led to the termination of

appointment and, secondly, to the breach of her right to be heard prior to the decision to terminate her appointment.

4. Regarding the complainant's challenge to lawfulness, the Tribunal notes that, in Judgment 5019, delivered this day on her fourth complaint, it set aside the Secretary General's decision of 28 July 2021 and his earlier decision of 31 July 2018, insofar as these decisions related to the abolition of the complainant's post.

As the Tribunal pointed out in Judgment 4845, consideration 4, such a setting aside has the effect of rendering also unlawful, by implication, the initial decision of 2 November 2018 terminating the complainant's appointment, as well as the decision rejecting the subsequent request for review and the Secretary General's impugned decision of 28 July 2021 rejecting the internal appeal of 17 April 2019 relating to the termination of her appointment.

It follows that the decisions of 28 July 2021, 18 February 2019 and 2 November 2018 must also be set aside on this ground alone.

5. In addition, and irrespective of the unlawful decisions already identified in the preceding consideration, in the second plea referred to above, the complainant submits that the decision to terminate her appointment was taken in breach of her right to be heard and consequently of her right to due process.

In Judgment 4622, consideration 10, the Tribunal stated in particular:

“Under the Tribunal's settled case law, which is based on a general principle of international civil service law, the administrative status of a staff member cannot be unilaterally altered to her or his detriment by the employing organisation without that staff member having been given the opportunity to comment on the proposed measure beforehand (see, for example, Judgments 3124, consideration 3, 1817, consideration 7, or 1484, consideration 8). Clearly, this case law must be applied with the utmost stringency where a decision with such far-reaching consequences as the termination of an appointment is involved.”

In the present case, the Tribunal finds that it is apparent from the file that this right was not respected by the Organization.

6. The Tribunal firstly observes that the decision of 2 November 2018 was taken without the complainant having been informed in advance of the Secretary General's intention to terminate her appointment because of the unsuccessful efforts to reassign her over the previous three months, nor invited to share her views and observations on the matter. However, in Judgment 3169, consideration 16, the Tribunal clearly recalled the following:

“As the Tribunal has often stated in its case law, by virtue of the contractual relationship between an organisation and its personnel and the trust that therefore prevails between them, the Administration has a duty to inform the staff member concerned of its intention to dismiss him or her in order to enable that person to plead his or her cause (see, for example, Judgments 1082, [consideration] 18, or 1484, [consideration] 8).”

In this regard, the Tribunal points out that the right to be heard is a fundamental protection and safeguard for staff members whose appointment is being considered for termination. Given the serious consequences of such a measure, this right enables them to present their point of view fully in order to ensure that all relevant factors have been taken into account and assessed by the organisation before the decision is taken and that the organisation has done everything possible to avoid having to take such a measure in their respect. The burden of proof that these efforts have been made lies with the organisation concerned.

7. In the present case, it appears that, between the decision to abolish the post of 31 July 2018, in which the Secretary General merely referred to the possibility that the complainant's appointment would be terminated if the Organization's efforts to reassign her proved unsuccessful, and the decision of 2 November 2018 to terminate her appointment, Interpol never contacted the complainant with a view to facilitating a reassignment, except on one occasion, on 31 October 2018, only two days before her dismissal, to inform her that a vacancy notice had been published for the post of Director of Human Resources Management.

However, for a staff member's right to be heard to be observed, she or he must be clearly informed of the executive head's intention to terminate her or his appointment and invited to express her or his views.

To this end, the staff member must be informed, before the decision is taken, not only of the intention to terminate her or his appointment but also of the reasons behind this intention, such as, for example, the failure of a reassignment procedure.

In such cases, the staff member may comment before a decision is taken that seriously affects her or his interests. The aim is to treat the staff member fairly and respectfully, and to give her or him a meaningful opportunity to protect her or his interests by preventing the contested decision from being taken or, if possible, by influencing its content, the time at which it is taken or the way in which it is implemented.

8. The Tribunal next observes that, although the Organization informed the complainant on 31 October 2018 of the vacancy notice for the post of Director of Human Resources Management following the departure of the Director of the new Human Resources Directorate, the Secretary General nevertheless took the decision to terminate the complainant's appointment on 2 November, without even waiting for the complainant's reply to that message or discussing the matter with her. However, the email of 31 October 2018 stated that "[her] experience and qualifications could match some of the tasks and duties described in the notice"\* and that, if the complainant decided to apply, she would be entitled to priority consideration.

9. In Judgment 3916, consideration 6, the Tribunal recalled that an organisation breaches its obligations in this area when it fails to work with the person in question to explore all existing reassignment options and to hold meetings with this in mind. Similarly, in Judgments 3755, consideration 6, and 3437, consideration 6, the Tribunal emphasized that, before reaching a decision to terminate an appointment, it is up to the organisation to ascertain, for example, whether the staff member is prepared to accept a post at a grade lower than the one she or he previously held and, if so, to widen its search accordingly.

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\* Registry's translation.

10. In the present case, such a dialogue clearly did not take place, regarding either a lower-grade post or a higher-grade post, in respect of which the Organization itself acknowledged that the complainant could potentially express an interest. Respecting the complainant's right to be heard before the decision to terminate her appointment was made would at least have made it possible to ascertain whether such options were feasible. It would also have clarified why assigning the complainant to posts similar to those she held during the inquiries into her complaints of moral harassment could not have met the needs of both the Organization and the complainant in an ongoing relationship.

11. Interpol argues that it strictly followed the applicable provisions, in this case Staff Regulation 11.1, which provides as follows in paragraphs 3 and 4:

“3. The appointment of an official of the Organization may be terminated subject to prior notice and the award of an indemnity:

[...]

(d) if the official's post is suppressed;

[...]

4. Before the appointment of an official is terminated in application of paragraphs (3,b) to (3,e), the official shall be informed of the situation and efforts shall be made over 3 months to reassign him to a vacant post consistent with his qualifications and experience. For that purpose the official shall be entitled to priority consideration of his application for posts which are the subject of a vacancy notice during that period. Moreover, the Organization shall provide the official with appropriate training if such training will facilitate his transfer to another post. If a suitable post is found, it shall be offered to the official concerned, in conformity with the relevant Regulations and Rules. If no suitable post is found, the official shall be notified of the decision to terminate his appointment [...] The notice period to which the official is entitled shall begin to run on the date of notification of that decision. If a suitable post is found but the official refuses to take up such a post, the notice period to which the official is entitled shall begin to run on the date of his refusal.”

However, the Tribunal has recalled that the normative legal documents promulgated within an organisation cannot alone circumscribe the obligation of the organisation to explore other employment options

within the organisation for staff whose positions have been abolished (see Judgment 4097, consideration 9). Moreover, alleged compliance with these provisions does not relieve an organisation of its obligation to observe the right of the staff member concerned to be heard so that her or his views may be taken into consideration before the decision to terminate the appointment, which obviously has extremely serious consequences, is made.

The Tribunal adds that in the present case, by the time the complainant's appointment was terminated, the Organization had received the reports of inquiries into her complaints of moral harassment and become aware that problems relating to the communication and transparency of Interpol's expectations of her had been identified. In these circumstances, the Organization could not have been unaware that the complainant's right to be heard required consultation and listening that went beyond the mere automatic application of the provisions of Staff Regulation 11.1 on reassignment.

Moreover, in its opinion, the Joint Appeals Committee noted in this respect that "the Organization, despite its objurgations, [had] not sufficiently formalised its communication and discussions with the complainant to ensure, in particular, that all the possible options for reassignment within the Organization had been implemented, beyond listing open but unsuitable posts"\*.

The Committee also noted that Interpol had not taken effective measures or made every effort to reassign the complainant within Interpol, which underscored the weakness of the active steps it had taken to this end.

The failure to observe the complainant's right to be heard coupled with the shortcomings pointed out, correctly, by the Committee render the procedure unlawful.

12. The Organization argues in its written submissions that the complainant's right to be heard was respected, firstly, in that she was informed of the Secretary General's intention to terminate her appointment in the decision to abolish her post of 31 July 2018 and,

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\* Registry's translation.

secondly, in that she was able to put forward her views in the request for review and the internal appeal that she lodged on 3 December 2018 and 17 April 2019 respectively.

However, this argument must be dismissed since, as regards the first point, merely informing the complainant that her appointment might be terminated at the end of a reassignment process is a far cry from offering her an opportunity to be heard on the actual decision to terminate her appointment and the reasons behind it. As for the second point of the argument, it reflects an erroneous confusion between the right to be heard prior to the implementation of the disputed measure of termination of appointment and the right to be heard in the related internal appeal procedure once the disputed decision has been taken, which are two separate concepts. It is the former that is at issue in this case, not the latter.

The second plea is therefore just as well-founded as the objection to lawfulness that has already been upheld.

13. In view of considerations 4 to 12 above, it is unnecessary to rule on the complainant's other pleas.

14. In her written submissions, the complainant asserts her right to reinstatement in the Organization, while suggesting the alternative of compensation for material injury, which she evaluates at the "difference in remuneration net of tax for the five years following dismissal, including the amount of contributions to social security schemes (in particular, sickness and pension)"\*, together with interest at the rate of 5 per cent per annum, and compensation for what she regards as the loss of opportunity to remain in service, which she quantifies at a minimum of 250,000 euros.

In the circumstances of the case, having regard notably to the long period of time that has elapsed since the termination of the complainant's appointment and the existence of serious acrimony and tension between the parties reflected, in particular, in the written submissions exchanged

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\* Registry's translation.

in connection with the multiple internal appeals that led to the eight complaints filed with the Tribunal, which are not such as to allow the continuation of a healthy working relationship and demonstrate a breach of trust, the Tribunal considers it inappropriate to order the complainant's reinstatement in the Organization (see, to that effect, Judgments 4840, consideration 33, 4659, consideration 8, and 4622, consideration 15).

15. The complainant seeks compensation for the material injury caused by the termination of her appointment.

The Organization submits that this claim is irreceivable as it constitutes a new claim, since it was not made in the internal appeal proceedings.

The Tribunal will not uphold this objection to receivability. In her request for review of 3 December 2018, the complainant already sought full compensation for the material injury suffered, and the claim to that effect raised before the Tribunal cannot therefore be viewed as a new claim.

16. As regards the assessment of the complainant's material injury, the Tribunal notes, firstly, that, following the termination of her appointment, the complainant received six months' notice, during which her presence within the Organization was not required, as well as several termination indemnities, such as payments under the Internal Unemployment Compensation Scheme and the termination indemnity provided for in the applicable staff regulations and rules.

Secondly, the Tribunal finds that, while it is true that the decision to terminate the complainant's appointment must be set aside on account of the objection to lawfulness and the failure to respect the complainant's right to due process, the fact remains that the post abolition and the termination of appointment that are central to the dispute irrefutably arose from a restructuring of the Organization's departments, which lies within the discretion of its executive head and is subject to only limited review by the Tribunal. Moreover, in the present case, the Tribunal notes that the post abolition and the

termination of appointment resulted from the creation of the new post of Director of the new Human Resources Directorate, for which the complainant initially chose not to apply and for which, even after the new Director left, she again preferred not to apply.

17. In the circumstances, the Tribunal considers that all the material injury suffered by the complainant will be fairly redressed by awarding her a sum equivalent to 18 months' remuneration, which will be calculated on the basis of the last net salary and allowances of any kind received by the complainant at the time of her departure from the Organization on 7 May 2019, without deducting any earnings which she may have received since then.

As this lump sum should be regarded as compensation for all the material injury suffered by the complainant, there is no reason to add the amount of the pension contributions relating to the remuneration in question or interest for late payment.

18. As regards the complainant's claim for moral damages of a minimum of 90,000 euros, the Tribunal considers that the unlawful termination of the complainant's appointment, which itself was based on a decision to abolish her post that was set aside in aforementioned Judgment 5019, did cause her moral injury, exacerbated by the breach of her right to due process.

In view of the nature and serious consequences of this measure, and the breach of her rights, the complainant suffered obvious moral injury that warrants redress. In the circumstances of the case, the Tribunal considers that the moral injury suffered on this account will be fairly redressed by ordering the Organization to pay her 20,000 euros.

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

19. Lastly, as regards the length of the internal appeal procedure, for which the complainant claims moral damages in the amount of 15,000 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).

20. In the present case, the time that has elapsed between the lodging of the internal appeal on 17 April 2019 and the adoption of the impugned decision on 28 July 2021 is clearly excessive bearing in mind the nature of the contested decision, namely a termination of appointment. However, the Tribunal recalls, as it pointed out in Judgment 5018 also delivered this day, that this delay occurred in specific and exceptional circumstances where the complainant submitted 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 expeditious handling of the cases.

In view of all the circumstances, the Tribunal finds that the complainant is entitled to submit, in her fifth complaint, that she suffered additional moral injury as a result of the excessive length of the internal appeal procedure. The Tribunal considers that the moral injury suffered on this account will be fairly redressed by ordering the Organization to pay her additional compensation of 5,000 euros.

21. 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 decisions of 2 November 2018 and 18 February 2019 are set aside insofar as they concern the termination of the complainant's appointment.
2. Interpol shall pay the complainant material damages calculated as indicated in consideration 17, above.
3. It shall also pay her moral damages in the total amount of 25,000 euros.
4. The Organization shall also pay her 8,000 euros in costs.
5. 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.