

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**A.**

**v.**

**Interpol**

**141st Session**

**Judgment No. 5136**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr M. O. A. against the International Criminal Police Organization (Interpol) on 18 August 2021 and corrected on 16 September 2021, Interpol's reply of 23 December 2021, the complainant's rejoinder of 8 February 2022 and Interpol's surrejoinder of 8 March 2022;

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 rejection of his application for the Voluntary Departure Programme.

The complainant joined Interpol in January 1998. At the time of the events giving rise to the present complaint, he served as a Criminal Intelligence Officer, Counter-Terrorism, Terrorist Networks, under a contract for an indeterminate period. On 10 April 2019, he went on certified sick leave.

During its 186th Session in 2015, the Executive Committee adopted three Restructuring Programmes aimed at reducing staff costs and moving the Organization towards a programme-based approach as defined by the Interpol 2020 Project. One of the Restructuring Programmes

was the Voluntary Departure Programme to be overseen by a Workforce Mobility Committee, the Terms of Reference of which were set out in Staff Instruction No. 2015.26. Specifically, the Workforce Mobility Committee was tasked to (a) make recommendations to the Secretary General pertaining to the reduction of staffing costs, and (b) ensure the objectivity and transparency of measures taken in the course of the staff-reduction process. The Restructuring Programmes were announced by an email of 1 December 2015 from the Executive Director, Resource Management, inviting staff members who wished to apply to submit their application; attached to the email was document CE-2015-3-DOC-19, detailing the provisions governing the Restructuring Programmes.

On 16 May 2019, while on certified sick leave, the complainant applied, through his hierarchy, for the Voluntary Departure Programme arguing that his departure would allow Interpol to make savings and that the unit he worked for had evolved in a manner no longer requiring his position. His hierarchy did not, however, support his application. Having held a virtual consultation, the Workforce Mobility Committee recommended against the granting of the complainant's application on the basis that his departure "would not be to the benefit of the Organization", as his position would need to be filled. The Secretary General endorsed the Workforce Mobility Committee's recommendation and, by a letter of 9 August 2019, the complainant was formally informed of the decision to refuse his application on the basis that his departure was not in the interest of Interpol, as it would not allow it to make savings. The complainant was also verbally informed of the decision the day before.

On 2 September 2019, the complainant filed an internal appeal against the 9 August 2019 decision, citing several reasons for his wish to leave Interpol. These included an alleged inappropriate transfer of data from Member States to Interpol, a hostile environment and other managerial issues, a poor management of projects and a lack of professional growth corresponding to his qualifications. Having requested and obtained additional information from the Office of Legal Affairs, the Joint Appeals Committee (JAC) issued its opinion on 6 November 2020. Referring to the main objectives of the Voluntary Departure

Programme, namely to free positions for internal mobility and to allow financial savings, the JAC found that the complainant's departure would not have served either of these objectives, as Interpol would have been obliged to replace him by a contracted staff member. Recalling the main criterion for assessing the complainant's application, namely the interests of Interpol, the JAC recognised that the complainant's skills and experience remained beneficial for the Organization, and held that the contested decision had been properly substantiated as being in the interest of Interpol. The JAC considered that Interpol had acted in accordance with its rules and unanimously recommended that the Secretary General confirm the 9 August 2019 decision refusing to grant the complainant's application under the Voluntary Departure Programme.

By a letter of 21 May 2021, the Secretary General informed the complainant of his decision to follow the JAC's recommendation to dismiss his internal appeal. This is the impugned decision.

The complainant asks the Tribunal to set aside the impugned decision and to grant him the benefit of the Voluntary Departure Programme under the conditions laid down by Interpol in 2015. He claims 50,000 euros in moral damages and 9,000 euros in costs.

Interpol asks the Tribunal to dismiss the complaint in its entirety as "ill-founded".

## CONSIDERATIONS

1. The complainant challenges the impugned decision, dated 21 May 2021, in which the Secretary General endorsed the recommendation of the JAC to dismiss his (the complainant's) internal appeal of 2 September 2019. The internal appeal was against the decision of 9 August 2019, in which the Director, Human Resources Management (HRM), by delegation of power from the Secretary General, refused the complainant's application for voluntary departure under the Voluntary Departure Programme. The complainant submits that the impugned decision should be set aside, in effect, because the Secretary General failed to recognize that there were procedural and substantive flaws in the decision-making process and failed to arrive at

correct conclusions. As the facts disclose, the Voluntary Departure Programme was one of the three Restructuring Programmes which were instituted by Interpol in 2015 and which were primarily aimed at reducing staff costs and moving the Organization towards a programme-based approach, as defined by the Interpol 2020 Project. In the 9 August 2019 letter, the Director, HRM, had relevantly stated the reasons for the decision as follows: “the [Workforce] Mobility Committee has assessed your application and found that it does not comply with the general provisions and objectives set out in Article 1 of this programme. Your voluntary departure has been refused in the interests of the Organization; indeed your position would have to be filled and consequently your departure would not allow the Organization to make savings.”

2. In addition to seeking an order to set aside the impugned decision and to award him moral damages and costs, the complainant asks the Tribunal to grant him the benefit of the Voluntary Departure Programme, under the conditions laid down by Interpol in 2015.

3. Interpol raises a threshold issue about the receivability of the complaint insofar as it might be thought to contain allegations of institutional harassment and a request for special unpaid leave the complainant had made that he was not granted. Regarding the complainant’s allegations of institutional harassment, it is relatively clear that they are intended to establish that some aspect of the decision to deny his application for the Voluntary Departure Programme was unlawful and his claims do not appear to be cast any wider. It is open to the complainant to follow this course (see, for example, Judgments 4149, consideration 7, and 3688, consideration 1). Regarding his request for special unpaid leave, the complainant, as he himself acknowledges, did not appeal in a timely manner the decision not to grant him such leave. His claim in this respect is therefore irreceivable for failure to exhaust internal remedies.

4. Regarding the applicable rules, Regulation 1.1 of the Staff Manual, entitled “Powers of command”, stated:

“The officials of the Organization shall be subject to the authority of the Secretary General who shall assign them their functions with the interests of the smooth operation of the Organization in view, taking account of their aptitudes, qualifications and experience, as well as of service requirements. They shall be responsible to the Secretary General in the performance of their functions. They shall observe the present Regulations, the Staff Rules and any Staff Instructions issued by the Secretary General, including any amendments which may be made to these texts.”

Regulation 11.1(1) of the Staff Manual, entitled “Termination of appointment”, stated:

“The Secretary General may terminate the appointment of an official subject to the conditions applicable to the relevant cases stated in the following paragraphs. In specific cases, the Secretary General may also terminate the appointment of an official if such action would be in the interests of the Organization and provided that the official concerned consents to the action.”

5. The provisions governing the Restructuring Programmes were contained in Appendix 1 to document CE-2015-3-DOC-19.

Part 2 of Appendix 1 to document CE-2015-3-DOC-19 was under the caption “Voluntary Departure”. Articles 1, 2 and 4 thereof, which are relevant to this case, stated the following:

“Article 1

General provisions and objectives

The Organization intends to put in place a restructuring and cost-reduction process that will result in a reduction in the number of staff. In order to facilitate this process and, in particular, to limit as far as possible the number of appointments that might be terminated, a programme to encourage the agreed termination of appointments will be put into effect in accordance with Staff Regulation 11.1(1).

This process must be applied with the interests of the Organization in mind. This approach governs the programme’s main objectives, namely:

- To free positions to allow for internal mobility; and
- To allow the Organization to save money at the same time.

Article 2

Eligibility for application

The voluntary departure programme is open to officials under contract holding an indeterminate or a fixed-term appointment on regular budget posts, in any duty station.

The main criteria applied when assessing the applications remain the interests of the Organization. Although eligible officials are invited to apply, there is no entitlement to benefit from an agreed termination and the Organization may refuse applications.

[...]

Article 4

Assessment of applications

Applications will be forwarded to the Workforce Mobility Committee created by the Secretary General.

The Committee will consult the directors concerned in the assessment process. Applications will be assessed taking into account the interests of the Organization and the objectives of the programme.

An official's application may not be accepted if it is in the Organization's interest to retain that official's specific skills and experience. The Secretary General must give reasons and explanations for his refusal."

6. The Terms of Reference of the Workforce Mobility Committee, specifying its mandate, governing principles and functioning, were provided in Staff Instruction No. 2015.26 of 1 November 2015. Article 1.1, under "Mandate" tasked the Committee to: (a) make recommendations to the Secretary General pertaining to the reduction of staffing costs; and (b) ensure the objectivity and transparency of measures taken in the course of the staff-reduction process. Article 1.2 stated that to achieve those tasks, the Committee shall, in particular, monitor and review plans and decisions related to: (a) suppression of posts; (b) recruitment; (c) internal mobility of staff, such as through temporary assignments or transfers; (d) extension or conversion of appointments; (e) change of appointment from secondment to contract; (f) any restructuring programmes, such as voluntary departure, early retirement and special unpaid leave.

7. The submissions the complainant proffered to support his internal appeal as well as the JAC's findings and recommendation, which the Secretary General accepted in the impugned decision, are summarized in the facts. Notably, the JAC summarized the complainant's arguments as follows: (a) "the workforce mobility committee [...] did not duly apply Article 1 of the said Program Policy, as it did not

consider the financial aspect of [his] voluntary departure request”; (b) “The payment of [his] salary until [his] retirement versus an early departure will surely save money for the Organization”; (c) “the Organization would benefit largely from [his] departure: over 1 million Euros. This alone should be sufficient to fulfil the conditions set out in the program policy”; (d) his replacement would not “need a person who is being paid by INTERPOL on its core budget”; (e) his “post was already suppressed [from the project plans provided], and therefore the previous arguments to refuse [his] departure are without merit”; (f) “the argument brought forward by [the Interpol General Secretariat] that [his] post should not be suppressed, cannot be a valid ground for the refusal of [his] voluntary departure application”.

8. In its opinion, the JAC referred, in particular, to Articles 1, 2 and 4 of Part 2 of Appendix 1 to document CE-2015-3-DOC-19. It noted that, although the Secretary General stated that the complainant’s departure would not allow the Organization to make savings, the Administration provided no evidence substantiating that a financial analysis had accompanied the answer to the complainant. The fact that it (the JAC) had to request the financial analysis, meant that none had been done for the preparation of the Workforce Mobility Committee.

Additionally, the JAC stated that it had asked the programme, for which the complainant mainly worked, to give the forecast of staff resources for the coming years. It appeared that the replacement of the complainant would have been necessary and his position was not funded by external donors, but back charged for a small percentage. Given the figures HRM provided, it (the JAC) did a preliminary hypothesis for the complainant’s replacement (grade 5, step 14, with no expatriation allowance) by a new staff member at the same grade but at a lower step (i.e. grade 5, step 5, with expatriation allowance and married, with 2 children, which is a standard budgeting hypothesis). The result and balance of the operation was negative from the outset.

9. In its analysis of the facts and the submissions of the parties, the JAC cited Article 1 of Part 2 of Appendix 1 to document CE-2015-3-DOC-19, reproduced in consideration 5 of this judgment. It emphasized

the cumulative effect of the “main objectives” of the Voluntary Departure Programme, namely to free positions to allow for internal mobility, and to allow Interpol to save money at the same time. The JAC further outlined the contents of Articles 2 and 4 of Part 2 of Appendix 1 to document CE-2015-3-DOC-19 and noted that, notwithstanding the absence of a quantitative financial analysis to ground the Workforce Mobility Committee’s advisory opinion, the complainant would have to be replaced by a contracted staff member. This, according to the JAC, would not have either freed a core position nor enabled the Organization to make savings. Its own detailed financial analysis recognized that there was no certainty that the complainant’s departure under the Voluntary Departure Programme would have allowed the Organization to save money. In addition to the standard staff cost, replacing the complainant would have meant recruiting a new staff member, which would have incurred additional costs for the project. The JAC recalled that Article 2 of Appendix 1 to document CE-2015-3-DOC-19 stated that “the main criteria applied when assessing the application remains the interests of the Organization” and that Article 4 stated that the “[a]pplications will be forwarded to the Workforce Mobility Committee”, and, additionally, that “[a]n official’s application may not be accepted if it is in the Organization’s interest to retain that official’s specific skills and experience”. The JAC recognized that the complainant had specific skills and experience, which remained beneficial for the Organization, and that the members of the Workforce Mobility Committee had provided their feedback to the Secretary General in writing. Lastly, the JAC concluded that the Secretary General’s decision not to grant the complainant’s application under the Voluntary Departure Programme was in Interpol’s interest and there was no proof that any rule had been violated in making that decision.

10. The JAC’s reasoning is consistent with the applicable case law and fairly reflects Interpol’s intentions discerned from the rules that regulate the Voluntary Departure Programme (to reduce staff costs financed out of the regular budget) and its interest in retaining staff, in this case the complainant, whose skills and experience were beneficial to it. It is true, as the complainant submits, and Interpol admits, that the

Workforce Mobility Committee did not carry out its own financial assessment to determine whether his departure under the Voluntary Departure Programme would have saved money. However, contrary to the complainant's arguments, the Workforce Mobility Committee's failure to carry out such an assessment did not constitute a breach of a specific procedure established under Article 1 of Part 2 of Appendix 1 to document CE-2015-3-DOC-19 and of the principle that an organisation is bound by its own rules. Neither this nor any other provision mandated the Workforce Mobility Committee to carry out such an assessment. The complainant's submissions that his departure would have resulted in significant financial savings for Interpol and would have been in Interpol's organizational interest and replacement needs, are his personal opinions. The determination of these matters falls within the discretionary authority of the Secretary General and the Tribunal discerns no error in the exercise thereof. Notably, Article 2 of Part 2 of Appendix 1 to document CE-2015-3-DOC-19 stated that there was no entitlement to benefit from an agreed termination and the Organization might refuse applications. Moreover, it seems obvious that the overriding consideration was Interpol's wish to retain the specific skills and services the complainant provided.

11. The complainant's further submission that the Secretary General breached his obligation under Article 4 of Part 2 of Appendix 1 to document CE-2015-3-DOC-19 to give reasons for his statement, in the decision he adopted on 9 August 2019, that his (the complainant's) departure "would not allow the Organization to make savings", is rejected. Article 4 mandated the Secretary General to give reasons and explanations for refusing the complainant's application to be granted voluntary departure, and he did, as shown in consideration 1 of this judgment. The complainant's submission, which suggests that his right to due process was violated because he did not have access to documents the JAC relied upon in formulating its opinion and thus the adversarial principle was violated, is not borne out. The evidence, which the JAC adverted to in its opinion shows that the complainant had the benefit of an adversarial process. The complainant's submission to the effect that there was a procedural flaw in the decision-making

process justifying setting aside the impugned decision, because the Workforce Mobility Committee did not meet in person, is also rejected. Neither Article 3.1 of Staff Instruction No. 2015.26, which stated that the Committee “shall meet on a regular basis”, nor any other provision required the members of the Workforce Mobility Committee to meet in person.

12. The complainant’s claim for moral damages for delay in the internal appeal procedure is unfounded, as notwithstanding that it lasted some 20 months, the complainant has not articulated to the Tribunal’s satisfaction, the effects the delay had on him to justify such an award.

13. In the foregoing premises, the complaint is unfounded in its entirety and will be dismissed.

#### DECISION

For the above reasons,  
The complaint is dismissed.

In witness of this judgment, adopted on 22 October 2025, Mr Michael F. Moore, President of the Tribunal, Sir Hugh A. Rawlins, Judge, and Ms Hongyu Shen, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal’s Internet page.

MICHAEL F. MOORE

HUGH A. RAWLINS

HONGYU SHEN

RENÉ M. VARGAS M.