

1 April 2026

Notice published in accordance with Article 11.1 of the Statute of the
Administrative Tribunal of the Council of Europe

The applicant is a former staff member of the Intergovernmental Organisation for International Carriage by Rail (OTIF)¹, recruited on a fixed-term contract (FTC) from 2 October 2025, whose employment was not confirmed due to a probationary period deemed inconclusive. The applicant's fixed-term contract expired on 2 January 2026.

In her **appeal No. 780/2026**, the applicant challenges the decision to terminate her employment taken by the Secretary General of the Organisation on 5 December 2025 and confirmed by the decision of 30 January 2026 rejecting her administrative complaint. The applicant submits that the termination of her contract was vitiated by substantial defects, both procedurally and substantively.

As regards procedural defects, the applicant considers that the decision to terminate her employment should have been taken not by the Secretary General, but by the Administrative Committee, in accordance with her request. She also considers that the decision to reject her administrative complaint does not originate from the Organisation, since it was taken by a lawyer 'appointed' by the Secretary General, and that the notice period was not observed.

As regards the substance of the case, the applicant alleges that the Organisation failed to observe the fundamental principles governing the probationary period by failing to set objectives for her, to organise a regular assessment of her performance, and to provide her in good time with the information necessary to implement corrective measures. The applicant further alleges that the Secretary General failed to take into account essential facts and drew manifestly erroneous conclusions from the circumstances, contrary to the objective reality of the work she carried out. She also claims a manifest breach of the Organisation's duty of care, citing a campaign of harassment against her and a complete lack of respect for her person.

On these grounds, the applicant seeks the annulment of the contested decision, her retroactive reinstatement to the post she held until 2 January 2026 or, in the alternative, the payment of compensation equivalent to 21 months' salary. The applicant further seeks compensation for the harm suffered, including the payment of 50,000 Swiss francs for non-pecuniary damage and 10,000 CHF for legal costs, in addition to the restoration of her residence permit in Switzerland. In the absence of such reinstatement, the applicant seeks reimbursement of the costs associated with obtaining a new residence permit in Switzerland and those associated with the tenancy agreement

¹ In accordance with the Agreement signed on 8 December 2017 between the Council of Europe and OTIF, the Administrative Tribunal of the Council of Europe has jurisdiction to hear labour disputes between the Organisation and its staff.

housing contract binding her until 30 September 2026, as well as reimbursement of the medical expenses she had to bear in respect of additional material damage.

In her **application No. 781/2026**, the applicant challenges the decision setting out the practical arrangements for the termination of her contract, which was taken by the Secretary General on 8 December 2025 and confirmed on 30 January 2026 by the decision rejecting her administrative complaint.

The applicant contends that the decision in question is vitiated by the same procedural irregularities as those affecting the decision to terminate her employment. As regards her leave entitlements, she challenges the decision not to pay her for her accrued but unused annual leave on the grounds that such a decision is not only based on a calculation error but is devoid of any legal basis and violates the Organisation's Staff Regulations. The applicant further criticises the Organisation for having made remarks and taken so-called precautionary measures that were degrading, unjustified and disproportionate in connection with the arrangements for her departure from OTIF.

On these grounds, the applicant seeks the annulment of the contested decision and compensation for her financial and non-pecuniary loss, in the form of payment of 7.5 days' salary corresponding to her accrued leave and 20,000 Swiss francs for non-pecuniary loss, in addition to the reimbursement of legal costs amounting to 6,000 Swiss francs.