

CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF ADMINISTRATIVE TRIBUNAL

ORDER OF THE CHAIR OF 17 December 2014

In the case of **Stéphanie ZONENS v. Secretary General**

THE FACTS

1. The applicant, Ms Stéphanie Zoonens, is a permanent staff member of the Council of Europe of French nationality; she has a post in the Registry of the European Court of Human Rights.

2. In a letter dated 12 November 2014, the registrar of the assize court of the French *département* of Bas-Rhin informed the applicant that she had been chosen by lot to perform jury duty at the assizes' session from 19 January to 6 February 2015. She was therefore summoned to attend the hearing of 19 January 2015.

The registrar reminded the applicant that jury duty was obligatory, in the absence of exemption for compelling reasons, any application for which which would be considered by the assize court on the opening day of the session. If the applicant did not attend, without good reason, the court could order her to pay a fine of EUR 3 750 under Article 288 of the French Code of Criminal Procedure.

Finally, the registrar asked the applicant to send back an acknowledgement of receipt of the summons for jury duty.

3. On 27 November 2014, the applicant asked the Secretary General, via the Director of Human Resources, for authorisation to be absent for a short period under Article 15 of the Secretary General's Rule No. 1343 of 16 December 2011.

4. In an email of 4 December 2014, the Director of Human Resources informed the applicant that for various reasons it was impossible to accede to her request.

5. On 8 December 2014, the applicant lodged an administrative complaint asking the Secretary General to reconsider her request to enable her to perform her jury service unhindered.

6. In an application lodged on 8 December 2014, the applicant asked the Chair of the Tribunal to grant a stay of execution, under Article 59, paragraph 9 of the Staff Regulations, of the decision to refuse her special leave application.

7. On 12 December 2014, the Secretary General submitted his observations on the application for a stay of execution.

8. On 13 December 2014, the applicant received the – favourable – response to her administrative complaint.

9. On 15 December 2014, the applicant presented her observations in reply.

THE LAW

10. Under Article 59, paragraph 9 of the Staff Regulations, applications may be lodged for a stay of execution of an administrative act if that execution is likely to cause “grave prejudice difficult to redress”.

The same provision stipulates that the Secretary General, shall, save for duly justified reasons, stay the execution of the act until the Chair of the Administrative Tribunal has ruled on the application in accordance with the Tribunal’s Statute.

11. In her application for a stay of execution, the applicant asks the Chair to order the Secretary General to defer the decision to refuse her request for special leave until the end of the administrative complaint proceedings.

12. The Secretary General has informed the Chair that it has been decided to accede to the applicant’s request for authorised unpaid absence for the days on which she will be required for assize court jury duty. A reply to her complaint to that effect has been sent to her.

The Secretary General considers that the applicant can no longer claim to suffer any detriment whatever. Since the applicant’s request has been accepted, this application for a stay of execution has become devoid of purpose.

Under these circumstances and in the light of these facts, the Secretary General asks the Chair to reject the applicant’s request for a stay of execution as unfounded.

13. The applicant has informed the Chair that in a registered letter with acknowledgement of receipt received on 13 December 2014, the Secretary General responded favourably to the administrative complaint she had lodged on 8 December 2014.

The letter states that pursuant to Article 15 of Rule No. 1343 of 16 December 2011 on leave, she has been granted authorisation for unpaid absence for the days on which she will be required for assize court jury service.

The applicant has stated that she therefore wishes to withdraw her request for a stay of execution.

14. The Chair notes that after being informed of the decision to grant her authorisation of absence, the applicant has finally withdrawn her request for a stay of execution. The Chair therefore considers it unnecessary to rule on the application for a stay of execution of the

decision at issue in the administrative complaint lodged by the applicant. The applicant has, in fact, succeeded in her administrative complaint.

For these reasons,

I, CHAIR OF THE ADMINISTRATIVE TRIBUNAL,

Find:

- that the application for a stay of execution presented by Ms Zoonens is withdrawn.

Done and ordered in Kifissia (Greece), 17 December 2014.

The Registrar of the
Administrative Tribunal

The Chair of the
Administrative Tribunal

S. SANSOTTA

C. ROZAKIS