



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2015-862, 2015-863, 2015-865 and 2016-889

Elhabil

(Appellant)

vs.

Secretary-General of the United Nations

(Respondent)

ORDER No. 259 (2016)

1. The Appeals Tribunal has before it four appeals brought by Mr. Basel Elhabil, a staff member of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
2. The first and second appeals, Case Nos. 2015-862 and 2015-863 arise from two separate applications for suspension of action Mr. Elhabil filed before the United Nations Dispute Tribunal (UNDT) contesting the decisions by the Office of Human Resources Management (OHRM) to disqualify him from applying for the positions of Acting Director, Meetings and Publishing Division, D2 and Director, Central Planning and Coordination Division, D2, both in the Department for General Assembly and Conference Management (DGACM).
3. On 13 October 2015, the UNDT issued Order No. 319 (NBI/2015) and Order No. 320 (NBI/2015), summarily refusing to hear the two applications for suspension of action on the basis that the UNDT lacked jurisdiction to hear them as Mr. Elhabil was not a United Nations staff member.¹
4. The third appeal, Case No. 2015-865, arises from an application Mr. Elhabil filed on 23 July 2015 before the UNDT contesting the “disqualification of his candidacy from posts in the United Nations and, in particular, unfair treatment by management denying him full and fair consideration for many posts”.² In Judgment No. UNDT/2015/100, the UNDT refused to

¹ On 16 October 2015, the UNDT issued Order No. 323 (NBI/2015) and Order No. 324 (NBI/2015), providing the reasoning for its decisions in Order No. 319 (NBI/2015) and Order No. 320 (NBI/2015).

² *Elhabil v. Secretary-General of the United Nations*, Judgment No. UNDT/2015/100, para. 1.

receive the application, again finding Mr. Elhabil had no standing to file an application before the UNDT as he was not a staff member of the Secretariat.³

5. The fourth appeal arises from another application for suspension of action Mr. Elhabil filed with the UNDT contesting the decision of OHRM, United Nations Secretariat, to “disqualify his application for the position of Director, Documentation Division, D2, [DGACM]”.⁴ On 28 December 2015, the UNDT issued Order No. 400 (NBI/2015), again refusing to receive the application for suspension of action on the ground Mr. Elhabil, as an UNRWA staff member, had no standing to proceed before the UNDT.

6. These four separate appeals against Judgment No. UNDT/2015/100 and Orders No. 319 (NBI/2015), No. 320 (NBI/2015), and No. 400 (NBI/2015), all challenge similar decisions by the Dispute Tribunal.

7. Under Article 18*bis*, subsection 1, of the Appeals Tribunal Rules of Procedure, “[t]he President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”.

8. Based on the foregoing, it is appropriate for the fair and expeditious management of the four cases and to do justice to the parties to consolidate these four appeals for all purposes.

IT IS HEREBY ORDERED that the appeals filed by Mr. Elhabil in Case Nos. 2015-862, 2015-863, 2015-865 and 2016-889 should be consolidated for all purposes.

Original and Authoritative Version: English

Dated this 11th day of April 2016
in Los Angeles, California.

(Signed)
Judge Rosalyn Chapman,
President

Entered in the Register on this 11th day of
April 2016 in New York, United States.

(Signed)
Weicheng Lin, Registrar

³ *Ibid.*, para. 25.

⁴ *Elhabil v. Secretary-General of the United Nations*, UNDT Order No. 400 (NBI/2015).