



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

HAKIMI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

SUMMARY JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

N/A

Introduction

1. On 10 October 2023, the Applicant, filed an application contesting the decision to withdraw an offer of appointment as “National Project Personnel/Service contact as Regional MEAL Specialist” with the Food and Agriculture Organization of the United Nations (“FAO”) in Afghanistan.
2. The application was registered under Case No. UNDT/GVA/2023/052 and assigned to the undersigned Judge.

Consideration

3. Having reviewed the application, the Tribunal considers that the issue at stake is whether this Tribunal has jurisdiction to examine an application contesting a decision made by FAO.
4. Considering that the Tribunal’s competence is a matter of law, which may be adjudicated without serving the application to the Respondent for a reply and even if not raised by the parties (see *Gehr* 2013-UNAT-313), the Tribunal deems it appropriate, on its own initiative, to decide on the present application by way of a summary judgment in accordance with art. 9 of its Rules of Procedure.
5. The scope of the Tribunal’s jurisdiction is determined by Art. 2 of its Statute in the following terms:

1. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations.

...

5. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed against a specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter of the United Nations or other international organizations or entity established by a treaty and participating in the common system of conditions of service, where a special agreement has been concluded between the agency, organization or entity concerned and the Secretary-General

of the United Nations to accept the terms of the jurisdiction of the Dispute Tribunal, consonant with the present statute.

6. In the present case, the Tribunal notes that, firstly, the Applicant does not contest an administrative decision taken by the Secretary-General as the Chief Administrative Officer of the United Nations. Secondly, FAO has not concluded a special agreement with the Secretary-General, under art. 2.5 of the Tribunal's Statute, to accept the terms of the Tribunal's jurisdiction.

7. Consequently, the Tribunal finds that it is not competent to examine the present application.

8. Having said the above, the Tribunal wishes to inform the Applicant, who is self-represented, that FAO has its own Appeals Committee to review administrative decisions and he may consider introducing an appeal before that body.

Conclusion

9. In view of the foregoing, the Tribunal DECIDES to dismiss the application.

(Signed)

Judge Sun Xiangzhuang

Dated this 17th day of October 2023

Entered in the Register on this 17th day of October 2023

(Signed)

René M. Vargas M., Registrar, Geneva