



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

BREZINA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR EXTENSION OF
TIME TO FILE AN APPLICATION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

UN-HABITAT

Introduction

1. On 9 January 2023, the Applicant was transferred upon promotion from the United Nations Office on Drugs and Crime (“UNODC”), United Nations Office at Vienna (“UNOV), to start a new position as Information Systems Officer in Hamburg, at the United Nations Innovation Technology Accelerator for Cities (“UNITAC Hamburg”), linked to the United Nations Human Settlements Programme (“UN-Habitat”).
2. On 8 March 2023, the Applicant requested management evaluation of the decision to transfer him upon promotion, request which was later amended on 31 March 2023. The Applicant argued that the transfer violated his acquired rights under art. V of the Convention on the Privileges and Immunities of the United Nations, and staff regulations 1.1 and 1.2, because UNITAC Hamburg is not an approved United Nations Project Office Away from Headquarters and, as such, has not provided him with the same legal status as UNODC/UNOV. The Applicant deemed the abovementioned decision as the contested decision.
3. On 20 April 2023, the Management Evaluation Unit (“MEU”) found the Applicant’s request non-receivable.
4. On 19 July 2023, the Applicant filed a motion seeking to extend by 120 days his deadline to file an application before the Tribunal.

Consideration

5. The Applicant contests the decision to transfer him upon promotion to an office that is not yet recognized as a Project Office Away from Headquarters, which allegedly deprived him of privileges and immunities as a UN international staff member.
6. According to the Applicant, international staff in UNITAC Hamburg have been put on alternative working arrangements (“AWA”) since 2 May 2023, pending the Organization’s negotiations with the German Ministry of Foreign Affairs.

7. In support of his motion for extension of time, the Applicant argues that the extension of the deadline will provide more time for finding potential resolutions of the current situation, while not time-barring him from contesting the underlying administrative decision.

8. Art. 7.5 of the Tribunal's Rules of Procedure states that

In exceptional cases, an applicant may submit a written request to the Dispute Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1 above. Such request shall succinctly set out the exceptional circumstances that, in view of the applicant, justify the request. The request shall not exceed two pages in length.

9. Thus, an extension of time to file an application can be granted when exceptional circumstances prevent the Applicant from complying with the statutory time limit (*Ambo* Order No. 33 (NBI/2019), *Seales* Order No. 80 (NY/2022), *Rehman* Order No. 3 (GVA/2020), *Banaj* Order No. 40 (GVA/2019)).

10. In the case at hand, however, the fact that the issue of the legal status of international staff members serving at UNITAC Hamburg is subject to ongoing negotiations between the Organization and the Government of the Host Country is not an impediment for the Applicant to contest the administrative decision. The Tribunal finds that the Applicant's arguments do not constitute exceptional circumstances, as nothing indicates that he has been prevented from exercising his right to file an application in time.

11. Therefore, the Applicant's motion stands to be rejected.

12. Moreover, the Tribunal notices that the Applicant's statutory time limit to file an application was 19 July 2023, the same day on which he filed the instant motion.

13. Bearing in mind that the Applicant is self-represented and has apparently misunderstood the meaning of "exceptional circumstances", the Tribunal will exceptionally grant him an additional period of 10 days to file an application on the merits. Upon receipt, proceedings will formerly commence, during which the parties may entertain alternative means of resolution.

Conclusion

14. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion for an extension of time to file an application is rejected; and
- b. The Applicant shall file an application on the merits by **Thursday, 3 August 2023**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 24th day of July 2023

Entered in the Register on this 24th day of July 2023

(Signed)

René M. Vargas M., Registrar, Geneva