



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

BREZINA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON DISMISSAL FOR
WANT OF PROSECUTION**

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. He amended this request 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, did not provide 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 not 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. This motion was registered under Case No. UNDT/GVA/2023/036.

5. By Order No. 83 (GVA/2023) of 24 July 2023, the Tribunal denied the Applicant’s motion for an extension of time to file an application and exceptionally granted him until 3 August 2023 to file his application on the merits.

6. By notification of 17 August 2023, the Tribunal brought to the Applicant’s attention that he had not complied with Order No. 83 (GVA/2023). The Tribunal also instructed him to file his application on the merits by 21 August 2023, and pointed out that failure to do so could lead to the closure of his case for want of prosecution.

7. By a second notification of 28 August 2023, the Tribunal sent a final reminder to the Applicant, informing him that if he did not file an application on the merits by 1 September 2023, his case would be closed for want of prosecution.

Consideration

8. The Tribunal recalls that it has given the Applicant plenty of time and opportunity to comply with Order No. 83 (GVA/2023). As of today, however, the Applicant has still not filed an application on the merits, responded to the Tribunal's reminders nor taken any action in relation to the instructions he was given.

9. Accordingly, in the interest of ensuring that only current proceedings are maintained before the Tribunal, the present application stands to be dismissed (see *De La Fayette* UNDT/2010/137, para. 7).

10. Consequently, the Tribunal finds it appropriate to strike out the matter for want of prosecution.

Conclusion

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

- a. This matter be struck out for want of prosecution and without liberty to reinstate; and
- b. Case No. UNDT/GVA/2023/036 is hereby closed.

(Signed)

Judge Sun Xiangzhuang

Dated this 5th day of September 2023

Entered in the Register on this 5th day of September 2023

(Signed)

René M. Vargas M., Registrar, Geneva