



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/063  
Order No.: 444 (NBI/2016)  
Date: 29 September 2016  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

HAYDAR

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

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**Counsel for the Applicant:**

Edwin Nhliziyo

**Counsel for the Respondent:**

ALS/OHRM, UN Secretariat

### **Procedural background**

1. On 17 August 2016, the Applicant, a staff member of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), filed a motion for extension of time to file an application with the United Nations Dispute Tribunal (the Tribunal) against the decision to temporarily reassign her from the Integrated Warehouse Section to the Supply Unit at MINUSCA. The Applicant argued that the inquiry into allegations that had caused her temporary reassignment was pending and hence requested the Tribunal to wait for its results.

2. On 24 August 2016, the Tribunal acknowledged receipt of the Applicant's motion and served it on the Respondent.

3. By Order No. 426 (NBI/2016) dated 1 September 2016, the Tribunal found that the administrative decision, albeit pertaining to administrative action of a temporary character, was final in the course of the proceedings and, as such, could be readily subject to the review by the Tribunal. The Tribunal considered that the fact that the administration launched a related inquiry, does not, without more, warrant an extension of the deadline for the application directed against the decision of a provisional character that has already been taken. Accordingly, it rejected the Applicant's motion for extension of time. Her motion, given that it contained most – not all – of the information required by art. 8.2 of the Tribunal's Rules of Procedure was nevertheless, treated as an incomplete application against the decision of temporary reassignment. The Tribunal accordingly requested that the Applicant - should she wish to pursue the challenge of the decision on temporary reassignment - supplement that application by 15 September 2016, failing which the incomplete application would be rejected.

### **Considerations**

4. The Applicant failed to supplement the application by 15 September 2016. In its present form the application is lacking on essential elements required by art. 8.2 of the Tribunal's Rules of Procedure in that it does not specify the action and

remedies sought. As such, the proceedings cannot take further course, as envisaged in art. 8.4 of the Tribunal's Rules of Procedure.

**IT IS ACCORDINGLY ORDERED**

5. The application is rejected as incomplete.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 29<sup>th</sup> day of September 2016

Entered in the Register on this 29<sup>th</sup> day of September 2016

*(Signed)*

Eric Muli, for  
Abena Kwakye-Berko, Registrar, Nairobi