



Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

AMINEDDINE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for applicant:

Self-represented

Counsel for respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Nusrat Chagtai, AAS/ALD/OHR, UN Secretariat

Introduction

1. At the time of the Application, the Applicant served as a Field Language Assistant with the United Nations Truce Supervision Organization (“UNTSO”). He holds a fixed term appointment at the G4 level.

Procedural History

2. In 2016, the Applicant applied for two positions in UNIFIL advertised as Job Openings (JO) 2016/38 and 2016/026. In October 2017, the Appellant applied for a third position, JO 87684 (Information Technology Assistant, G-5). His application for all three job openings were unsuccessful. The selection decisions for these vacancies were communicated to the Applicant on 19 December 2017 and 27 April 2018 respectively.

3. He challenged his non-selection for these three posts to the Management Evaluation Unit (“MEU”). The MEU found that his applications for JOs 2016/38 and 2016/026 were time-barred and therefore not receivable, and his application for JO 87684 had received full and fair consideration with no indication of procedural irregularity or unfair treatment.

4. On 20 February 2019, the Applicant challenged the selection decision in respect of all three vacancies before the United Nations Dispute Tribunal (“UNDT”).

5. The UNDT dismissed the Applicant’s claims in respect of all three posts on grounds of receivability in UNDT/2019/043.

6. The Applicant appealed the first instance judgment. The United Nations Appeals Tribunal (“UNAT”) concurred with the UNDT that the Application is not receivable in respect of the 2016 JOs because the Applicant did not request management evaluation in good time. He was late.

7. In respect of JO 87684, UNAT found that the applicant's request for management evaluation was timely. The UNDT should have given due regard, the UNAT held, to the "exceptional circumstances" it had found existed when it granted his motion for extension of time i.e. that the Applicant was self-represented and may not be conversant with the technical procedural requirements of formal litigation.

Considerations and Directions

8. The Tribunal considers fresh pleadings by the parties to be appropriate under the circumstances.

9. To this end, the parties are required to **JOINTLY**:

a) file a concise statement of facts, **agreed and disputed**, listed in chronological order;

b) identify the legal issues, arising from those facts, for determination by the Tribunal;

c) consider the prospect of this matter being decided on the basis of the parties' written submissions;

d) ascertain whether the parties are amenable to considering an alternative resolution to the dispute.

10. The parties are directed to file their submissions by **Monday, 27 April 2020**.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 14th day of April 2020

Entered in the Register on this 14th day of April 2020

(Signed)

Abena Kwakye-Berko, Registrar, UNDT, Nairobi