



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2021/058
UNDT/NBI/2021/074
Order No.: 009 (NBI/2022)
Date: 1 February 2022
Original: English

Before: Francesco Buffa
Registry: Nairobi
Registrar: Abena Kwakye-Berko

TOSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR EXTENSION OF
TIME/SUSPENSION OF
PROCEEDINGS**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Yun Hwa Ko, UNFPA

Introduction

1. The Applicant is a staff member of the United Nations Population Fund (“UNFPA”) serving as Representative at the UNFPA Oman Country Office (“CO Oman”) within the Arab States Regional Office (“ASRO”) at the P-5 level.
2. On 21 July 2021, the Applicant filed an application before the United Nations Dispute Tribunal to challenge the Respondent’s decision to finalise his performance appraisal for the year 2020; the process for which he contends was irregular. This application was registered as UNDT/NBI/2021/058.
3. The Respondent filed his reply on 19 August 2021.
4. On 27 August 2021, the Applicant filed another application before the Tribunal to challenge the decision of the Director, Division for Human Resources (“DHR”) to designate the Deputy Regional Director (“DRD”), Arab State Regional Office (“ASRO”), as his supervisor for the 2021 performance appraisal. This application was registered as UNDT/NBI/2021/074.
5. The Respondent filed his reply on 28 September 2021.
6. The Respondent challenged both applications on grounds of receivability.
7. On 24 January 2022, the Applicant was invited to file a rejoinder limited to the issue of receivability by 31 January 2022.
8. On 31 January 2022, the Applicant filed a motion “for extension of time to comply” with the order to file rejoinder. In substance, the applicant is seeking a stay of proceedings in both these cases until 30 July 2022.

Considerations

9. The Tribunal read the motion filed on 31 January 2022 by the Applicant, requesting to stay the proceeding until July 2022; and to extend the deadline to file the rejoinder until 30 July 2022.

10. The Applicant submits that his current posting is classed as a “most severe emergency” duty station; and that he is grappling with a combination of factors – difficult working conditions and - health issues that are making it difficult for him to “pursue case proceedings” as a self-represented litigant.

11. The Tribunal notes that it is not possible to suspend the proceedings for the reasons indicated above, even considering their nature and level of impairing.

12. The Tribunal further considers that the admissibility of the application is a preliminary question that must be examined - also *ex officio* - with no delay and that in the case it can be decided on papers;

13. Be that as it may, bearing in mind that the Applicant is not represented by counsel, the Tribunal deems it appropriate to vary the deadline previously set so as to give the Applicant more time to make the submissions he needs to make.

Order

14. The Tribunal **REJECTS** the Applicant’s request to stay the proceedings for the duration proposed by him.

15. To this end, the Applicant is **DIRECTED** to file, by **22 February 2022**, his submissions on the receivability of UNDT/NBI/2021/058 and UNDT/NBI/2021/074. The filing must not exceed the maximum length of 5 pages, using Times New Roman, font size 12, line spacing 1.5.

(Signed)

Francesco Buffa

Dated this 1st February 2022

Entered in the Register on this 1st day of February 2022

(Signed)

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