



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/035

Order No.: 088 (NBI/2022)

Date: 25 July 2022

Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ALNAIMI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER STRIKING OUT THE
APPLICATION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
UNHCR

Background

1. The Applicant is a former staff member of the United Nations High Commissioner for Refugees (“UNHCR”).
2. On 9 March 2022, he sent an email to the Registry’s corporate account stating, *inter alia*, that he wanted to challenge allegations of misconduct made against him.
3. On 5 April 2022, the Registry informed the Applicant that if he wished to challenge any administrative decision, he was required to do so using the appropriate form available on the UNDT website and to file his application using the Court Case Management System (“CCMS”).
4. On 11 April 2022, the Registry noted that the Applicant had attempted to file an application in CCMS but had failed to use the correct application form. The Registry emailed the Applicant the correct form and instructed him to include all the documents supporting his application as attachments and upload it into his case file in CCMS.
5. On 11 May 2022, the Registry directed the Applicant to the Office of Staff Legal Assistance (“OSLA”) to obtain legal guidance on how to file an application.
6. On 11 June 2022, the Registry sent the Applicant a reminder and informed him that should he not file a complete application, his case would be assigned to a Judge for determination in its present state.
7. The Applicant responded to the Registry on 6 July 2022 and provided a lawyer’s telephone number. He requested the Registry to contact the lawyer to “follow up with the information funding case of the IGO last July 2021”.
8. On 22 July 2022, the Registry informed the Applicant that it was his responsibility to contact his lawyer and request him to file a complete application on his behalf. He was again informed that if he failed to file a complete application, his case would be referred to a Judge and was likely to be struck off the Tribunal’s docket.

Consideration

9. The right to institute and pursue legal proceedings is predicated upon the condition that the person exercising this right has a legitimate interest in initiating and maintaining legal action and that access to the court must be denied to those who are no longer interested in the proceedings or are no longer in need of judicial remedy.¹

10. The Applicant has been requested on several occasions to use the correct application form to file a coherent application with supporting documentation. On 8 June and 22 July 2022, the Applicant was sent final reminders by the Registry informing him that should he not complete his application, it would be assigned to a Judge for determination in its present state.

11. The Applicant failed to comply with those directions. Thus, clearly, he is no longer interested in pursuing his case and must therefore be deemed to have dropped it.

ORDER

12. In view of the foregoing, it is ORDERED that Case No. UNDT/NBI/2022/035 be hereby closed and struck from the Tribunal's docket.

(Signed)

Judge Margaret Tibulya

Dated this 25th day of July 2022

Entered in the Register on this 25th day of July 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

¹ *Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047.