



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2022/076  
Order No.: 061 (NBI/2023)  
Date: 8 March 2023  
Original: English

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**Before:** Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

HUMACKIC

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Self-represented

**Counsel for the Respondent:**

Nicole Wynn, AS/ALD/OHR, UN Secretariat  
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 5 September 2022, the Applicant contests administrative failure to take action in response to her complaints to ensure a workplace free of discrimination, harassment, and abuse of authority. The Applicant erroneously indicates Management Evaluation (ME) as the impugned decision, which does not alter the gist of her application.<sup>1</sup>

2. The Respondent filed his reply on 6 October 2022, in which he contends that the application is not receivable as the ME is not an appealable decision whereas the Applicant's grievance was acted upon and resulted in a decision that the Applicant did not appeal. In the alternative, the Respondent maintains that the actions of the administration were legal and procedurally correct.

## **Consideration**

3. The Tribunal finds that the Applicant filed two formal complaints, alleging workplace harassment by her supervisor. The complaint dated 23 May 2019 ("first complaint") resulted in a decision of March 2021, whereby the Applicant's supervisor was reprimanded. This decision was not appealed by the Applicant.

4. The second complaint dated 24 November 2021 ("second complaint"), resulted in a report from the Regional Conduct and Discipline section ("RCDS") dated 9 December 2021 according to which the matter merited a managerial action only; further, in June 2022, it entailed a reassignment of both the Applicant and her supervisor. The reassignment of the Applicant is challenged in another pending application.<sup>2</sup>

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<sup>1</sup> *Chaaban* 2016-UNAT-611, para. 18; *Fasanella* 2017-UNAT-765, para. 20; *Olowo-Okello* 2019-UNAT-967, para. 26; *Cardwell* 2018-UNAT-876, para. 23.

<sup>2</sup> UNDT Case Number: UNDT/NBI/2022/108.

5. The Tribunal finds that factual premises and procedural aspects regarding the Applicant's second complaint have not been sufficiently elucidated in the reply. Therefore, pursuant to art. 19 of its Rules of Procedure, the Tribunal

**ORDERS:**

6. On or before Wednesday 15 March 2023, the Respondent shall supplement the reply as follows:

- a. Provide information who was "responsible official" in the sense of Section 5.4 of ST/ SGB/2019/8 in connection with Section 2 of ST/AI/2017/1 to act upon the Applicant's second complaint and in what capacity the complaint was acted upon by Ms. Wanda Carter;
- b. Provide information whether the Office of Internal Oversight Services ("OIOS") was informed about the Applicant's second complaint in accordance with Section 5.3 and 5.8 of ST/SGB/2019/8;
- c. Demonstrate the factual basis for the Respondent's averment (para 14 of the reply) that the second complaint did not introduce any new element in the Applicant's matter compared with the first one of June 2021. This should be done preferably in a form of a comparative table, supplied with a plain language narrative, showing whether or not the factual allegations made in the second complaint were identical to those encompassed by the Applicant's first complaint dated 24 June 2020. If the allegations introduced new facts, the Respondent shall explain what the findings of the "responsible official" were on the presence or absence of a prohibited conduct regarding these facts;
- d. Provide information whether the matter of was decided upon by a "responsible official" in the sense of Section 5.4 of ST/ SGB/2019/8 in connection with Section 2 of ST/AI/2017/1, and if so, whether the Applicant was informed of the outcome of the second complaint in accordance with Section 5.5 (i) of ST/SGB/2019/8.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 8<sup>th</sup> day of March 2023

Entered in the Register on this 8<sup>th</sup> day of March 2023

*(Signed)*

Shamila Unnikrishnan, for,  
Abena Kwakye-Berko, Registrar, Nairobi