



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/108

Order No.: 064 (NBI/2023)

Date: 27 March 2023

Original: English

Before: Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

HUMACKIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

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. The Applicant is a Procurement Officer with the United Nations Interim Force in Lebanon (“UNIFIL”). On 20 October 2022, she filed an application contesting the decision to laterally reassign her from the position of Contracts Management Officer at the FS-6 level to the position of Procurement Officer at the same level.

2. On 24 November 2022, the Respondent filed his reply in which it is argued that the application lacks merit and should be dismissed.

3. The impugned decision resulted from a complaint of workplace harassment and retaliation filed by the Applicant pursuant to ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority) on 24 November 2021. Previously, the Applicant filed an application, registered as case No UNDT/NBI/2022/076, where she impugned the lack of administrative action on her complaint.

4. On 22 March 2023, the Tribunal held a Case Management Discussion (“CMD”) where it clarified with the Applicant and Counsel for the Respondent that the proper avenue to address the gist of the applicant’s grievances would be the present case. The Applicant was informed that case No UNDT/NBI/2022/076 would be dismissed. The Applicant expressed a wish to have her claim for a compensation considered in the present case, inclusive of all the circumstances that have arisen due to the impugned reassignment.

5. In view of the above, it is ordered as follows:

ORDERS:

6. Documents submitted in case No UNDT/NBI/2022/076 are accepted in evidence in the present case.

7. On or before Friday, 31 March 2023:

- a. The Applicant shall file a submission detailing her claim for compensation by indicating:
 - i. administrative actions and inactions (procedural or substantive) that she considers faulty;
 - ii. the nature of the moral harm suffered;
 - iii. the causal link between the above;
 - iv. evidence in support of the above; and
 - v. the amount of compensation requested.
- b. The Applicant shall furthermore file a submission explaining her claim that it is impossible for her to perform her current functions.
- c. Either submission of the Applicant's submissions will not exceed one page.
- d. The Respondent shall supplement the reply as follows:
 - i. File under seal the letter of reprimand issued to the Applicant's First Reporting Officer on 12 March 2021;
 - ii. File the response obtained from the Office of Internal Oversight Services regarding the Applicant's complaint from May/June 2019; and
 - iii. Explain the legality, in light of the framework applicable to complaints of harassment and retaliation, as well as rationality, of the reassignment decision, including why it was deemed necessary to reassign both conflicted staff members.

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(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 27th day of March 2023

Entered in the Register on this 27th day of March 2023

(Signed)

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