



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/050
Order No.: 135 (NBI/2023)
Date: 11 September 2023
Original: English

Before: Judge Solomon Areda Waktolla

Registry: Nairobi

Registrar: Eric Muli, Officer-in-Charge

MALFITANO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Esther Shamash, UNDP

Introduction and Procedural History

1. On 18 June 2023, the Applicant, a former staff member of the United Nations Assistance Mission for Iraq (UNAMI), at the P-5 level, filed an application with the United Nations Dispute Tribunal in Nairobi challenging the decision she describes as

Denial of conducting the evaluations of my staff (one international and one national) based on a complaint letter that was submitted after the development of the Performance Management and Development (PMD) of one international staff and that was never disclosed to me, preventing me to exercise my legal rights, to acknowledge and respond to such accusations, with real facts; the subsequent damage of my professional reputation and the discrediting and slander being conducted.

2. On 18 July 2023, the Respondent filed his reply to the application. The Respondent submits that the application is not receivable and has no merit.

3. On 21 August 2023, the parties were informed that the case had been assigned to the present Judge with effect from 18 August 2023.

Order

4. The Tribunal has reviewed the parties' submissions and takes the view that the Applicant should be afforded the opportunity to submit her response to the receivability arguments raised by the Respondent.

5. The Tribunal also notes that the Applicant is self-represented. The Tribunal strongly advises the Applicant to seek the assistance of counsel in this matter. To hasten the process, the Tribunal will refer the matter to the Office of Staff Legal Assistance for their consideration.

6. For the purposes of fair and expeditious management of this case, the Tribunal makes the following ORDERS

- a. The Applicant will file her submissions in response to the Respondent's position on receivability by 22 September 2023;
- b. The Registry will serve a copy of this Order on the Office of Staff Legal Assistance.

(Signed)

Judge Solomon Areda Waktolla

Dated this 11th day of September 2023

Entered in the Register on this 11th day of September 2023

(Signed)

Eric Muli, Officer-in-Charge, Registrar, Nairobi