



Before: Judge Francesco Buffa
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

HANDY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nisha Patel, AS/ALD/OHR, UN Secretariat

Nasuru Magomu, AS/ALD/OHR, UN Secretariat

Introduction

1. On 31 March 2024, the Applicant, a former P-4 Political Affairs Officer at the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”), filed an application regarding:

- a. The refusal to expunge a disciplinary sanction letter dated 2 November 2021 from his human resources’ records;
- b. The breach of a settlement and release agreement due to the early termination of his fixed-term contract;
- c. The failure to pay salary, compensation, repatriation grant, and reinstatement grant; and
- d. The cruel and unjust treatment by the United Nations Administration.

2. On 16 July 2024 the Respondent filed a motion requesting the Tribunal to determine the receivability of the application as a preliminary matter under art. 19 of its Rules of Procedure and suspend the Respondent’s deadline of 2 August 2024 to file a reply to the application pending the Dispute Tribunal’s determination on the motion.

3. By Order No. 98 (NBI/2024) dated 31 July 2024, the Duty Judge allowed the Applicant to file a response to the motion by Friday, 9 August 2024, and extended the deadline for the Respondent to file a reply to the application to the same date.

4. On 5 August 2024, the case was assigned to the undersigned Judge.

5. On 9 August 2024, the Applicant filed a response to the above-mentioned motion. On the same date the Respondent filed a reply on the merits.

Consideration

6. The Tribunal notes that the receivability issue does not cover all the claims of the complaint, as for some of them (notably, claims under paras. 1.a and 1.b above) it is necessary to assess the merits of the complaint.

7. The Tribunal has reviewed the parties' submissions and, having in mind art. 19 of its Rules of Procedure, takes the view that the relevant facts in the present case are clear, there is no need to conduct a hearing on the merits, and the matter can be determined based on the documents on record.

8. Therefore, in the interest of a fair and expeditious disposal of the case, the parties are directed to file closing submissions, addressing the points raised in each other's filings.

Conclusion

9. In view of the foregoing, it is ORDERED THAT:

a. The Respondent's motion to determine the receivability of the application as a preliminary matter is not granted; and

b. By **5 p.m. (Nairobi time) on Friday, 13 September 2024**, the parties shall file their respective closing submission, which shall exclusively refer to the evidence already on file and not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Francesco Buffa

Dated this 21st day of August 2024

Entered in the Register on this 21st day of August 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi