



**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

GOUIN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**

**ON CASE MANAGEMENT**

---

**Counsel for Applicant:**  
Self-Represented

**Counsel for Respondent:**  
Steven Dietrich, ALD/OHR, UN Secretariat

## **Introduction**

1. On 11 September 2017, the Applicant, a P-4 Human Rights Officer serving with the United Nations Stabilization Mission in Haiti (“MINUSTAH”), filed an application before the Dispute Tribunal challenging the decisions to deny him "participation in a substantive test or competency based interview" in relation to the following nine job openings: (i) 73013, 71914, 71729, and 69982, P-5, Senior Political Affairs Officer; (ii) 72085, P-5, Senior Protection of Civilian Officer; (iii) 71462, P-5, Senior Human Rights Officer; (iv) 71975, P-4, Human Rights Officer (2 Posts); and (v) 70737, 70731, P-4, Political Affairs Officer.

2. On 11 October 2017, the Respondent filed a reply contending, *inter alia*, that the Application is not receivable *ratione materiae* as the selection exercises for the contested job openings are still ongoing and no final selection decisions have been made. Should the Dispute Tribunal find the application receivable, the Respondent contends that the Applicant's rights have not been breached. The Applicant's job applications have been fully and fairly considered.

3. On 1 July 2019, the case was assigned to the undersigned Judge.

4. On 16 July 2019, by way of Order No. 108 (NY/2019), the Tribunal ordered the Respondent to file a submission updating the Tribunal on the status of the contested job openings and the status of the Applicant's candidacy for each one by 30 July 2019, and the Applicant to file a submission addressing the contentions raised in the Respondent's reply and further submission by 13 August 2019.

5. The Respondent duly filed a submission on 30 July 2019.

6. The Applicant did not file his submission by 13 August 2019.

7. On 14 August 2019, the Registry emailed the Applicant noting that no filing had been submitted by him pursuant to Order No. 108 (NY/2019), and informing him that further to Judge Adda's instructions, he is ordered to file his submission by 20 August 2019, together with an explanation for the reasons for the delay in filing. On the same day, the Registry further contacted the Applicant via telephone at 11.56 a.m. The Applicant apologized for overlooking the deadline of 13 August 2019 and stated that he would check his email and file his submission by the new deadline of 20 August 2019.

### **Consideration**

8. As at the date of this Order, no submission or further correspondence has been received by the Registry from the Applicant or anyone on his behalf.

9. The Dispute Tribunal has on several occasions pronounced the principle of procedural law that 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 has to be denied to those who are no longer interested in the proceedings or are no longer in need of judicial remedy (*Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047).

10. In light of the above,

IT IS ORDERED THAT:

11. **By 4:00 p.m. on Friday, 6 September 2019**, the Applicant shall file a submission indicating whether he maintains his claims, and if so, why he failed to file a submission pursuant to Order. No. 108 (NY/2019) and the further deadline of 20 August 2019.

12. The Registry is to send a copy of this order by registered mail to the address on file for the Applicant.

13. In the event that the Applicant further fails to comply with the Tribunal's Order, this application may be dismissed for want of prosecution in its entirety without liberty to reinstate.

*(Signed)*

Judge Joelle Adda

Dated this 26<sup>th</sup> day of August 2019