



**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

DUVERNÉ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Alister Cumming, UNICEF

## **Introduction**

1. On 22 October 2017, the Applicant filed the application in which she contests the “[t]ermination of [her] fixed-term contract following a ‘low achievement’ rating [she] received for the 2016 Performance Appraisal, the result of an assessment relating to allegations of retaliation and the Management Evaluation”.
2. On 16 November 2017, the Respondent filed his reply in which he contends that the application is without merit.
3. On 1 July 2019, the case was reassigned to the undersigned Judge.
4. By Order No. 119 (NY/2019) dated 21 August 2019, the Tribunal ordered the Applicant to file her observations, if any, to the Respondent’s reply by 18 September 2019.
5. On 4 October 2019, upon the instructions of the Tribunal, the Registry unsuccessfully attempted to contact the Applicant via telephone as she had submitted no response to Order No. 119 (NY/2019). By email of the same date, the Tribunal ordered the Applicant to file her observations, if any, as indicated in para. 5 of Order No. 119 (NY/2019) by 11 October 2019, together with an explanation for the reasons for the delay in filing.

## **Consideration**

6. As at the date of this Order, no submission or further correspondence have been received by the Registry from the Applicant or anyone on her behalf in response to Order No. 119 (NY/2019).

7. The Dispute Tribunal has on several occasions endorsed 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 (see, for instance, *Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047, *Zhang-Osmancevic* UNDT/2015/034, *Monga* Order No. 198 (NY/2018), *Kitagawa* Order No. 100 (NY/2019) and *Gouin* UNDT/2019/140).

8. In light of the above,

IT IS ORDERED THAT:

9. **By 4:00 p.m. on Wednesday, 30 October 2019**, the Applicant shall file a submission indicating whether she wishes to pursue the present case;

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

11. In the event that the Applicant fails to respond to this Order, this application will be dismissed for want of prosecution in its entirety without liberty to reinstate.

*(Signed)*

Judge Joelle Adda

Dated this 16<sup>th</sup> day of October 2019