



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

ABU AL ASAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nicole Wynn, AAS/ALD/OHR

Nusrat Chagtai, AAS/ALD/OHR

Introduction

1. By an application dated 16 January 2018, the Applicant is challenging, “the decision to withdraw the offer [she] received from [the United Nations-African Union Mission in Darfur (UNAMID)] for the post of Security Officer at the FS-4 level”.
2. The case was initially assigned to Judge Nkemdilim Izuako with the Nairobi Registry and assigned Case No. UNDT/NBI/2018/008.
3. On 19 February 2018, the Respondent filed his reply in which he asserted, *inter alia*, that the application is not receivable because, in essence, the Applicant lacked legal standing before the Dispute Tribunal as she was not a United Nations staff member.
4. On the 23 February 2018, the Applicant submitted her comments on the reply but did not address the issue of receivability.
5. By Order No. 13 (NBI/2019) dated 14 February 2019, the Dispute Tribunal informed the parties as follows, “The Tribunal has decided to adjudicate the issue of receivability as a preliminary matter. This determination will be made based on the parties’ documentary submissions. To ensure that the Tribunal has a complete record for its deliberations, it is necessary for the Applicant to be given an opportunity to address the issue of receivability”.
6. The Dispute Tribunal, therefore, ordered the Applicant to file, by 1 March 2019, “a concise response solely to the issue of receivability that has been raised by the Respondent in his reply” (emphasis omitted).
7. From the case file follows that the Applicant never filed this response.
8. By email of 19 July 2019, the Nairobi Registry informed the parties that the case was transferred to the New York Registry due to the end of Judge Izuako’s term

with the Dispute Tribunal and to balance the Tribunal's case load and ensure judicial efficiency.

9. Upon the transfer to the New York Registry, the case was assigned a new case number: Case No. UNDT/NY/2019/062.

10. On 25 November 2019, the New York Registry informed the parties that the case had been assigned to the undersigned Judge.

Consideration

11. The undersigned Judge adopts all directions and orders that were provided by Judge Izuako.

12. The Dispute Tribunal has 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 Dispute Tribunal has to be denied to those who are no longer in need of judicial remedy, or no longer interested in the proceedings (see, for instance, *Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047, *Zhang-Osmancevic* UNDT/2015/034, and *Acquatella Corrales* UNDT/2020/042).

13. If an applicant does not respond to the Tribunal's orders, the Tribunal may therefore dismiss an applicant's case for want of prosecution (see, for instance, *Acquatella Corrales*).

14. In the present case, by Order No. 13 (NBI/2019), the Applicant was ordered to file a response to the Respondent's submissions on receivability by 1 March 2019, but it appears from the case file that no such response was ever submitted.

15. This Tribunal will therefore reiterate the order made in Order No. 13 (NBI/2019) and instruct the Applicant to file a response to the Respondent's submissions on receivability, noting the Appeals Tribunal's jurisprudence in, for instance, *Sprauten* 2011-UNAT-111, *Gabaldon* 2011-UNAT-120, *Al Hallaj* 2018-

UNAT-810, and *Latimer* 2019-UNAT-901. The Tribunal will thereafter determine the issue of receivability as a preliminary matter on the papers before it.

IT IS ORDERED THAT:

16. By **4:00 p.m. on Tuesday, 14 April 2020**, the Applicant is to file a response to the Respondent's submissions of receivability. Failure to comply with this order may result in the dismissal of the case for want of prosecution.

(Signed)

Judge Joelle Adda

Dated this 23rd day of March 2020