



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 Order No. 94 (NY/2020) dated 22 May 2020, the Tribunal provided the following orders:

... By **4:00 p.m. on Wednesday, 3 June 2020**, the Respondent is to file an updated submission responding to the Applicant's submissions of 23 February 2018 and provide relevant documentation, including in the form of a signed written statement from Mr. Khalid Osman;

... By **4:00 p.m. on Wednesday, 17 June 2020**, the Applicant is to file her comments, if any, to Respondent's submission, including by providing any relevant evidence in rebuttal such as, for instance, a signed written statement together with a copy of the passport of Mr. Yassin;

... Upon receipt of the latest-mentioned submission, the Tribunal will consider whether further case management is necessary, or otherwise proceed to determine the issue of receivability on the papers in the case record.

2. On 3 June 2020, the Respondent submitted his response to Order No. 94 (NY/2020), appending an email from Mr. Osman of 18 May 2020. In this email, Mr. Osman stated that, "The only statement I can provide here is that Mr. Yassin's statement is blatantly false. It's worth [noting] that Mr. Yassin was streamlined and departed UNAMID extremely bitter". In light thereof, the Respondent states that he maintains his previous submissions.

3. On 6 June 2020, the Applicant submitted her response to Order No. 94 (NY/2020). She contends that she is "not only challenging the decision to withdraw an offer of a fixed-term appointment as an FS4/Step 6 Security Officer with the African Union/United Nations Mission in Darfur (UNAMID) but also raising that violation of staff member rules by UNAMID staff [who hid her] valid visa based on no reason".

4. The Applicant makes various additional submissions and appends, *inter alia*:

a. An undated handwritten written statement from Mr. Yassin, a former Office Assistant in the Travel and Visa Unit in UNAMID, in which he states that, on 19 December 2016, he receive a Sudanese entry visa for the Applicant from a Protocol Assistant, which he was to send to Human Resources to initiate the processing, assumedly, of the Applicant's onboarding. Mr. Yassin's supervisor, Mr. Hassan, however, instructed him to delete the visa and instead submit it to him. Mr. Yassin therefore got suspicious and decided to send it to himself on his United Nations email account. Mr. Yassin subsequently sent the visa to the Applicant;

b. A copy of an email of 19 December 2016 from Mr. Yassin to himself to which is appended an attachment titled, "NV#01447", which Mr. Yassin further forwarded to his Hotmail email address on 26 May (the year is not stipulated);

c. An email of 4 January (or 1 April) 2018 from Mr. Yassin to the "DMS" (assumedly the Director for Mission Support with the subject line, "Fw: Evaluation Letter - MER [assumedly, management evaluation request] of Mr. Diaeldin Yassin (MEU [assumedly, Management Evaluation Unit])/1 846-17 / R) (RA [unknown abbreviation])". In this email, Mr. Yassin essentially recounts what he also states in the written statement mentioned above.

Consideration

5. Regarding the scope of the case, the Tribunal notes that the question of whether a UNMAID staff member inappropriately disposed of her visa inherently forms part of the factual circumstances related to the decision to withdraw the offer to the Applicant of 27 July 2017. It is therefore not an independent and separate administrative decision.

6. The issues of the case may therefore be defined as follows:

- a. Is the application receivable?
- b. If so, was it proper for the Administration to withdraw the Applicant's visa on 27 July 2017 based on the reason(s) provided?
- c. If not, to what remedies is the Applicant entitled?

7. In light of the parties' latest submissions, the Tribunal believes that it is fully informed to reach a determination not only on the receivability of the application, but also on its merits. Before doing so, to ensure procedural fairness and due process, it will, however, allow the Respondent a final opportunity to comment on the Applicant's submissions, including her submissions of 3 June 2020, after which the Applicant will be provided the opportunity to make her final observations thereto. Should the parties wish to enter into informal negotiations, the Tribunal will be willing to suspend the proceedings accordingly with an appropriate time limit.

IT IS ORDERED THAT:

8. By **4:00 p.m. on Monday, 6 July 2020**, the Respondent is to file his final pleadings in response to the Applicant's submissions, including her submission of 3 June 2020;
9. By **4:00 p.m. on Monday, 13 July 2020**, the Applicant is to file her final brief comments;

10. Upon receipt of the latest-mentioned submission, the Tribunal will consider whether further case management is necessary, or otherwise proceed to determine the application on the papers in the case record.

(Signed)

Judge Joelle Adda

Dated this 16th day of June 2020