



Before: Judge Joelle Adda

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

YODJEU NTEMDE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
ALD/OHR, UN Secretariat

Introduction

1. On 15 July 2022, the Applicant filed the application. Therein, the Applicant provided no information on his employment status, including United Nations index number and department, office and section.

2. By email of the same date, the Registry of New York instructed the Applicant that “[i]n order to correctly process your application, please provide further details about your current employment with the United Nations, including your current position, department and your [United Nations] index number”.

3. By email of 19 July 2022, the Registry sent a reminder to the Applicant concerning the required information and directed him to provide it by 10:00 a.m. on 22 July 2022.

4. By email of 27 July 2022, the Registry wrote the Applicant as follows (emphasis omitted):

With reference to the Registry’s email of 15 July 2022 and reminder of 19 July 2022—under instructions from the Duty Judge—please provide further details about your current employment with the United Nations, including your current position, department and your United Nations index number by 10:00 a.m. on Thursday, 4 August 2022.

5. To this date, the Applicant has not filed any response to the Tribunal’s instructions.

Consideration

6. The Tribunal recalls 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; *Duverné* UNDT/2019/157).

7. The Tribunal’s practice of dismissing cases for want of prosecution has been endorsed by the Appeals Tribunal in *Mukeba Wa Mukeba* 2021-UNAT-1080, para. 34 (reference to footnote omitted):

... We do not find fault with the practice and jurisprudence of the Dispute Tribunal to dismiss an application for want of prosecution when there is sufficient reason to assume that the applicant is no longer interested in the litigation. We point out, however, that great care needs to be taken in exercising this power, and an application may not be dismissed without evidence that an applicant has failed to meet his obligations.

8. The Tribunal notes that both the Duty Judge and the Registry have instructed the Applicant to provide further details about his employment with the United Nations, including his position, department and United Nations index number. In line herewith, it follows from art. 8.2 of the Rules of Procedure of the Dispute Tribunal that an applicant filing an application with the Dispute Tribunal should provide information on her/his “employment status (including United Nations index number and department, office and section)”. Also, it follows from art. 3 of the Dispute Tribunal’s Statute that only the following persons have legal standing before the Dispute Tribunal in order to file an application before it: (a) a current United Nations staff member, (b) a former United Nations staff member, or (c) any person making claims in the name of an incapacitated or deceased United Nations staff member.

9. The Tribunal further observes that when reading the application and its annexes, it is unclear what administrative decision the Applicant is actually contesting. The Tribunal can only ascertain that the Applicant appears to be dissatisfied with a possible decision not to onboard him for a position in New York. Hence, in the application, the Applicant cites an email of 11 February 2022 from a United Nations staff member in which the Applicant is addressed as follows:

In your application for the above-mentioned [Job Opening], you mentioned termination of contract with [Economic Commission of Africa] as a consultant as the reason for departure. Please describe the circumstances around this termination. Was it terminated as the result of the normal end of the project, or was termination initiated by either party? This information is needed in order to determine your eligibility for the post.

10. Under the consistent jurisprudence of the Appeals Tribunal, an applicant is to identify the impugned administrative decision with sufficient precision to enable the Dispute Tribunal to review it (see, for instance, *Planas* 2010-UNAT-049 and *Haydar* 2018-UNAT-821). The Appeals Tribunal, however, has held that with self-represented applicants, it will “take a generous approach and examine those allegations, which can be interpreted as falling into the scope of Article 2(1) of the Appeals Tribunal Statute”.

11. Accordingly, it is necessary for the Tribunal to receive information on: (a) what exact administrative decision the Applicant seeks to challenge by his 15 July 2022 application; and (b) what his employment status was with the United Nations, including his position, department, office and section, and United Nations index number, or how he otherwise satisfied the prerequisites of art. 3 of the Dispute Tribunal’s Statute for legal standing?

12. If the Applicant fails to provide this information, the Tribunal warns that no other option is then available to it than to conclude that the Applicant does not wish to follow through with his application. If so, the Tribunal will dismiss the application for want of prosecution.

13. In light of the above,

IT IS ORDERED THAT:

14. By **10:00 a.m. on Tuesday, 6 September 2022**, the Applicant is to file the following information:

a. What is the exact, specific and identifiable administrative decision that he is challenging? The Applicant is to provide a short and concise description of the relevant decision, and if he knows it, further state the date of the decision and the decision maker. If possible, the Applicant should also provide documentation thereon;

b. What is the Applicant's current employment status with United Nations and what was it at the time of the impugned decision. If employed, the Applicant is to indicate his position, department, duty station and index number?

15. In the failure of providing relevant information, the Tribunal will dismiss the application for lack of prosecution.

(Signed)

Judge Joelle Adda

Dated this 8th day of August 2022