



## Introduction

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added that, in the light of that decision, the applicant's request for a management evaluation had become moot.

8. On 1 October 2009, the applicant's appointment was converted to a D-2 fixed-term appointment, pursuant to the provisional Staff Rules that came into effect on 1 July 2009, and was extended for a nine-month period ending on 30 June 2010.

9. On 2 December 2009, the applicant, through counsel, filed an application with the United Nations Dispute Tribunal contesting the 8 June 2009 decision to extend his appointment by only three months. In that application, the applicant also requested the Tribunal to grant him an extension of time to supplement his application. That case, which is the subject of this judgment, was entered in the Register as No. UNDT/GVA/2009/98.

10. On 9 December 2009, the applicant also filed an application with the United Nations Dispute Tribunal requesting it to suspend execution of the decision to place him on administrative leave without pay pursuant to provisional staff rule 10.4. That case was entered in the Register as No. UNDT/GVA/2009/104 and was the subject of Order No. UNDT/2009/092.

11. By Order No. 35 (GVA/2009) of 9 December 2009, the Tribunal, on its own motion, addressed the issue of the receivability of the applica



- b. When he was appointed to serve at the United Nations Interregional Crime and Justice Research Institute (UNICRI), the applicant was given the assurance that his contract would continue to be renewed for one-year periods, as is customary at the United Nations for all internationally recruited staff members who satisfy the conditions for a permanent appointment;
  - c. The Administration had recognized the applicant's right to a 12-month contract by rescinding, by letter dated 4 September 2009, the decision to extend his contract for three months only;
  - d. The decision to extend the applicant's contract for only three months constituted punishment and had caused him harm;
  - e. The key question is to identify the persons who took the contested decision and their reasons, even though the decision has, in fact, been rescinded by the respondent.
20. The Respondent's arguments are as follows:
- a. The decision to extend the applicant's contract was reviewed and modified such that his contract was ultimately renewed for a total of 12 months, making his application moot;
  - b. The Tribunal rightly pointed out in its Order No. 35 (GVA/2009) that the contested decision has not caused the applicant harm because the applicant had no expectancy of renewal of his appointment;
  - c. The applicant was entitled to reject the offer of a three-month appointment if he was not satisfied as to its validity or its bona fides; however, he did not, nor did he reject the subsequent offer of a nine-month appointment;
  - d. The applicant did not provide sufficient reasons to justify disclosure of the identity of the person who took the contested decision.



