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# UNITED NATIONS DISPUTE TRIBUNAL

Case No.:

UNDT/NBI/2017/055

Judgment No.: UNDT/2017/075

English

Date: Original: 13 September 2017

**Before:** 

Judge Nkemdilim Izuako

**Registry:** 

Nairobi

**Registrar:** 

Abena Kwakye-Berko

#### **ABOU HAMIA**

v.

## SECRETARY-GENERAL OF THE UNITED NATIONS

## **JUDGMENT ON RECEIVABILITY**

# **Counsel for the Applicant:**

Self-represented

## **Counsel for the Respondent:**

Nicole Wynn, ALS/OHRM, UN Secretariat Nusrat Chagtai, ALS/OHRM, UN Secretariat

- 14. In an email to the Applicant on 17 September 2016, the Respondent reiterated that the Applicant had been placed on SLWOP and that since the project in which he was engaged was to terminate in May 2017, his contract would not be renewed upon its expiry in January 2017.
- 15. On 23 December 2016, the Respondent informed the Applicant that the project was being closed and that his contract would not be renewed and that the incident on 23 June 2016 did not entitle him to any privileges and immunities because he was not acting in his official capacity as a United Nations staff member when he had the altercation with the other passenger.
- 16. On 30 January 2017, the Applicant approached the Office of Staff Legal Assistance (OSLA) for legal representation but was not successful as OSLA would not take up the brief.
- 17. On 8 February 2017, the Applicant requested management evaluation of his placement on SLWOP from July 2016 and the non-renewal of his appointment beyond 31 January 2017.
- 18. On 29 March 2017, the Management Evaluation Unit (MEU) wrote back to the Applicant upholding the contested decisions.
- 19. On 27 June 2017, the Applicant filed a Motion for Intervention in which he sought an extension on the timelines by the Tribunal.

#### Receivability

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- 20. It is the Respondent ¶ V FtlatVtlle application is not receivable ratione materiaebecause the Applicant failed to seek management evaluation in time.
- 21. The Respondent argued that the Applicant acknowledged that he was first informed of the contested decision on 9 August 2016 and thus, the time to request management evaluation started to run from the said date. The Applicant requested management evaluation on 8 February 2017. The Respondent submitted that the

request was four months late and that WKH \$S Sr@datecDp@dAls@d/reconsider

informed the Applicant that the project which he was engaged in would come to an end in May 2017 and his contract would not be extended beyond its expiry in January 2017.

30. On 23 December 2016, the Respondent informed the Applicant about the closure of the project aaiae ano that contract wouldnotere(e)4wded