

UNITED NATIONS DISPUTE TR

Introduction

1. The Applicant is a former staff member of the United Nations Mission in the Republic of South Sudan (UNMISS). He filed the current Application on 11 February 2013 challenging the decisions not to: (i) renew his appointment with UNMISS beyond 30 September 2012 and (ii) reinstate him to his original post of Strategic Planning Officer when he was transitioned from the United Nations Mission in Sudan (UNMIS) to UNMISS on 8 July 2012.

2. The Respondent submitted a Reply on 24 June 2013, which was served on the Applicant on 25 June 2013.

3. By Order No. 187 (NBI/2013), the parties were directed to consult each other and inform the Tribunal whether they were prepared to consider the option of mediation. The Respondent informed the Tribunal on 30 September 2013 that mediation of the dispute is not feasible and requested that the matter be adjudicated on the merits. The Applicant did not comply with Order No. 187.

4. Pursuant to Order No. 225 (NBI/2013), the Tribunal held a case management hearing on 31 October 2013, which was attended in person by the Applicant and his

6. Further, the Respondent submitted that the Applicant's challenge against the termination of his appointment as of 31 December 2011 is not receivable because he had withdrawn his request for management evaluation regarding said issue and the Administration had never implemented the decision since his appointment was renewed until 30 September 2012.

7. During the hearing, the Applicant's ~~5.10-antise6ab16e~~ commnsiot the

- e) Whether it was lawful for UNMISS to advertise the Strategic Planning Officer post when he was still engaged as such but was on a provisional/temporary assignment as State Coordinator;
- f) Whether it was lawful for UNMISS to communicate his termination on or about 29 December 2011 without giving

Witnesses

14.

Dear Registry,

The order of the Tribunal of 31st October 2013 is yet to be posted on the e Registry.

Kindly, **urgently** capture the contents thereof to me, I wish to ensure compliance with the Tribunal's directions with all possible precision.

19. On 21 November 2013, the Applicant wrote to the Registry to enquire about the status of his case and to confirm whether his Counsel had indeed requested a "postponement" to file the submissions that were due on 14 November 2013. The Registry informed him that no submissions had been filed by Counsel.

20. On 25 November 2013, the Applicant filed a submission entitled "statement of [the Applicant]" in which he merely re-states and re-argues the submissions in his Application. Attached to his statement as annexes were: his e-PASes for 2009-2010, 2010-2011, 2011-2012 and a Special Performance Report for 1 December 2010 to 30 March 2011 and 1 April 2011 to 8 July 2011; a vacancy announcement for the post of State Coordinator (UNMISS); an UNMIS internal reorganization chart dated 8 August 2010; and an interoffice memorandum dated 7 November 1975 on movement of staff.

21. The Tribunal has taken careful note of the fact that the Applicant's Counsel sent his email to the Registry eight days **after** the expiry of his 4 November 2013 deadline. He then failed to submit his response on receivability and the supplementary documents on 14 November 2013 as directed. Counsel's non-compliance with the orders of the Tribunal is a matter of grave concern. It is also a matter of grave concern that Counsel has failed to engage in any further follow up in this matter and seems not to be communicating with his client as he should be especially in light of the Tribunal's directions at the case management hearing regarding communication.

(Signed)

Judge Vinod Boolell

Dated this 16th day of January 2014

Entered in the Register on this 16th day of January 2014

(Signed)

Abena Kwakye-Berko, Acting Registrar, Nairobi