

Case No.:

THE UNITED NATIONS DISPUTE TRIBUNAL (“Tribunal”),

SITTING in the person of Judge Vinod Boolell,

CONSIDERING that, on 28 September 2009 the Applicant filed a document titled “*Motion for Interim Relief Through United Nations Dispute Tribunal Order of Ethics Review of Current UNDT Submission, by United Nations Secretariat’s Central Ethics Officer Director*” on “*Alleged Exceptionally Severe UNDP-GEF Whistleblowing Retaliation and Discriminatory 200 Series Contract Non-Renewal*” dated 25 September 2009.

That by the said application the Applicant moves the Tribunal:

- (a) to order the Ethics Office to “*deliver his review and recommendations on [the Applicant’s] case*” with respect to “*alleged exceptionally severe UNDP-GEF whistle-blowing retaliation*”; and
- (b) to find a *prima-facie* violation of the Applicant’

CONSIDERING that from the documentation made available to the Tribunal it appears that the Applicant has on two occasions requested the Ethics Office to review his case and the Ethics Office, both at the Agency's level and the Central Ethics Office did communicate their reviews to the Applicant:

1. by an email dated 19 April 2008 in which the UNDP Head of the Ethics Office advised the Applicant that “[she] did not find any evidence that would support [his] allegations that [the Applicant] was subjected to retaliation from management”;
2. by a letter of 5 May 2008 responding to second request for review of his case, the Director of Central Ethic Office indicated to the Applicant that “following consultation [with members of the UN Ethics Committee], [he] ha[d] decided not to undertake an independent review of [the Applicant's] case”.

THAT the issue of the alleged violation of the due process rights of the Applicant concerning the non-renewal of his contract with the UNDP is a matter to be dealt with during the review of the merits of the appeal;

THE TRIBUNAL THEREFORE:

1. Rejects the motion to order to Ethics Office to “deliver his review and recommendations”
2. Decides that the alleged violation of the Applicant's due process rights concerning the non-renewal of his fixed-term contract will be addressed during the review of the substantive appeal.

Case No. UNDT/NBI/2009/34
Judgment UNDT/2009/032



Judge Vinod Boolell

Dated this 10th day of October 2009