



Introduction

1. On 26 June 2012, the Applicant, a former staff member of the International Criminal Tribunal for Rwanda (ICTR), filed an Application before the Dispute Tribunal challenging the decision not to renew his fixed-term appointment beyond 31 December 2011 (impugned decision).

2. On 24 July 2012, the Respondent filed a Motion for Leave to Have Receivability Considered as a Preliminary Issue. In addition to leave, the Respondent moved for the Application to be dismissed on grounds of receivability. A Reply to the substantive Application was also filed.

3. The Applicant was afforded the opportunity to respond to the Respondent's Motion, which Reply was filed on 2 April 2013.

4. Having reviewed the submissions of the Parties, the Tribunal considers it necessary to first rule on whether the present Application is receivable before adjudicating the matter on the merits. **1**

time limit to file his Application pursuant to the provisions of art. 8.3 of the Statute and art. 7.5 of the Rules of Procedure.

8. The Applicant submits that his Application was filed within the timeline stipulated in the Statute. He received the decision of the Management Evaluation Unit on 30 March 2012, and filed his Application before the Tribunal on 27 June 2012.

Deliberations

9. The question before the Tribunal is whether the Application before the Tribunal complies with the timelines enshrined in the Statute and Rules of the Tribunal.

10. The threshold for receivability before this Tribunal is governed by articles 7 and 35 of the Rules of Procedure. Article 7. 1 provides:

Applications shall be submitted to the Dispute Tribunal through the Registrar within:

- (a) 90 calendar days of the receipt by the applicant of the management evaluation, as appropriate;
- (b) 90 calendar days of the relevant deadline for the communication of a response to a management evaluation, namely, 30 calendar days for disputes arising at Headquarters and 45 calendar days for disputes arising at other offices; or
- (c) 90 calendar days of the receipt by the applicant of the administrative decision in cases where a management evaluation of the contested decision is not required.

11. This provision must be read together with art. 8 of the Statute of the Dispute Tribunal. Article 8.1, in relevant part, provides that an application shall be receivable if:

- (d) The application is filed within the following deadlines:
 - (i) In cases where a management evaluation of the contested decision is required:

21. The Respondent's Motion for Leave is GRANTED, and his request to have the Application dismissed on grounds of receivability is hereby REFUSED.

(Signed)

Judge Vinod Boolell

Dated this 5th day of August 2013

Entered in the Register on this 5th day of August 2013

(Signed)

Abena Kwakye-Berko, Acting Registrar, UNDT, Nairobi