



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Cases Nos. 2010-151 and 156

A faint, grayscale background image of a cityscape with buildings and a bridge, overlaid with a grid pattern.

Mezoui
(Appellant)

v.

Secretary-General of the United Nations



Counsel for Appellant: François Lorient

Counsel for Respondent: Phyllis Hwang

APPLICATION FOR INTERPRETATION, TWO APPEALS FROM UNDT ORDERS, AND A MOTION FOR “JOINDER AND FAST TRACK HEARING”

Facts and Procedure

1. Hanifa Mezoui (Mezoui) challenged a determination by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva in Judgments Nos. UNDT/2009/026 and UNDT/2009/087 that her case was not receivable. In Judgment No. 2010-UNAT-043, the United Nations Appeals Tribunal (Appeals Tribunal or this Court) reversed the Dispute Tribunal’s finding and remanded the case to the UNDT for a hearing on the merits.
2. Following the remand by the Appeals Tribunal, the Dispute Tribunal in Geneva issued three orders in respect of Mezoui’s case.
3. On 31 August 2010, the Dispute Tribunal issued UNDT Order No. 71 (GVA/2010), ordering, inter alia, that the case be reopened, that a copy of a memorandum of the Senior Review Group, dated 11 May 2006, be transmitted to Mezoui, and that Mezoui file a complete application to the UNDT in Geneva no later than 1 October 2010.
4. On 1 September 2010, Mezoui filed with Laker, J., President of the UNDT, a request

ordered that Mezoui's case be transferred from New York to Geneva. Judge Shaw stated that she had reviewed the case file, and that the parties had no objection to a change of venue. In her appeal dated 8 February 2010, Mezoui referred to this event and stated that she had tacitly agreed to the transfer.) Judge Cousin stated that he had consulted the UNDT judges in New York on this matter.

7. On 14, 28, and 29 October 2010, Mezoui filed an application for interpretation of UNAT Judgment No. 2010-UNAT-043 (application for interpretation), an interlocutory appeal from UNDT Orders 71 and 72, and an interlocutory appeal from UNDT Orders 71 and 73, as well as a motion requesting a "joinder and fast-track hearing" by this Court of her interlocutory appeals.

8. The issue for which Mezoui seeks interpretation from this Court is to which UNDT registry the Appeals Tribunal has remanded her case in Judgment No. 2010-UNAT-043. She maintains that Judge Shaw's Order to transfer her case from New York to Geneva "was issued without any due process and in absentia" and "without reason and without Mezoui's consent". She insists that "New York is the most natural and logical venue for this case" because it "is the only venue with proximity to the contested decisions and to their decision-makers".

9. Regarding the UNDT Orders, Mezoui maintains that Order No. 71 was "issued hastily and without the parties' views on the issues of disclosure and privileged evidence", that Order No. 72 was issued "without any further due process debate on the issue of disclosure and of privileged and redacted evidence", and that Order No. 73 was issued "based on three false assumptions". (underline in original).3 0 0 244 rt(itho)Fsuhe i1T2 12

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