



Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

BALINGE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for the Applicant:

Self-Represented

Counsel for the Respondent:

Steven Dietrich, Nairobi Appeals Unit, ALS/OHRM, UN Secretariat

Notice: This judgment has been co

Introduction

1. At the time of filing the application, the Applicant was a staff member of the United Nations International Criminal Tribunal for Rwanda ("ICTR") in Arusha, Tanzania. He worked as an Associate Translator/Interpreter

meeting, because according to him, he had met with some of the panelists and was not satisfied with their explanations, and hence wrote to the Appeal Panel.

11. On 23 December 2011, the Applicant filed a request for management evaluation of the decision not to renew his fixed-term appointment beyond 31 December 2011.

12. On 24 December 2011, the Applicant filed this Application with the Tribunal. As 26 December 2011 was a public holiday in Nairobi, the Respondent was served with the Application on 27 December 2011 and required to file a reply by 11:00 am (Nairobi Time) on 29 December 2011, which he did.

Applicant's Submissions

13. The Applicant submitted that:

a. The decision to separate him from the Organization was unlawful and full of irregularities, errors and omissions and was an abuse of discretionary powers aimed at unjustifiable favouritism.

b. The Application was urgent because the decision not to renew his fixed-term contract had caused irreparable harm to him.

c. At the time of this Application, the process of review by the Staff Independent Retention Appeals Panel had not been commenced. His separation from the Organization therefore caused him psychological and mental torture.

Respondent's Submissions

14. The Respondent submitted that:

be unlawful if it is in breach of the United Nations Charter or the Rules and

Case No. UNDT/NBI/2011/084

Judgment No. UNDT/2012/005

(Signed)

Judge Nkemdilim Izuako

Dated this 12th day of January 2012

Entered in the Register on this 12th day of January 2012

(Signed)

Jean-Pelé Fomété, Registrar, Nairobi