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ORDER ON CASE N.
AND HEARING N

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Coun   **or the Applicant:**
Sèton   Roland Adjovi

Coun   **or the Respondent:**
Nusra   hagtai, AAS/ALD/OHR

Introduction

1.

5.   At the outset, the Tribunal recalls that art. 2.1(a) of the UNDT Statute provides

that the Tribunal shall be competent to hear and pass judgment on an application […]

> To appeal an administrative decision that is alleged to be in
> noncompliance with the terms of appointment or the contract of
> employment. The terms "contract" and "terms of appointment" include
> all pertinent regulations and rules and all relevant administrative
> issuances in force at the time of alleged noncompliance […].

6.   The competence of the Tribunal is determined by the UNDT Statute alone and

this competence does not fall to be modified by administrative issuances; likewise, the

latter must not be attributed legal effect inconsistent with the Statute. Several

consequences stem from this for the relation of UNDT proceedings and proceedings

under ST/SGB/2008/5 Tf   0.0 0.0 0.0 rg   0.9981 0.0 0.0 1.0 179.52 479.28 Tm   [(2008/ rg   0.9982 0.88

UNDT Statute provides that the impugned decision must be submitted for management evaluation, where required. The UNDT Statute does not, however, require "exhausting internal remedies of ST/SGB/2008/5".

9.   Furthermore, analysis of ST/SGB/2008/5 demonstrates that UNDT proceedings and administrative proceedings under ST/SGB/2008/5 have different functions and are largely independent from each other. Proceedings under ST/SGB/2008/5 serve the purpose of establishing whether there is basis for instituting corrective measures. Harassment, discrimination or abuse of authority

ORDER

18.   The hearing in the matter of *Pierre v. The Secretary-General of the United Natio8(e)] TJ ET Q q BT /F4 12.0 Tf 0.0 0.0 0.0 rg 0.9981 0.0 0.0 1.0 312.48 663.8(at)-4ET Q q 2etary*

Entered in the Register on this 13th day of February 2020

(Signed)
Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi