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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/046

Order No.: 140 (NBI/2020)

Date: 23 July 2020

Original: English

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3. On 10 June 2019, the Respondent filed his Reply contending, *inter alia*, that the application was not receivable *ratione materiae* because the Applicant had not identified a reviewable administrative decision within the meaning of article 2.1(a) of the UNDT Statute. Regarding the allegations of abuse of authority and a failure to address a sexual harassment complaint, the application was also not receivable *ratione temporis* because the Applicant did not file the application within 90 days of receiving the 28 November 2017 outcome of her request for management evaluation.

4. On 9 January 2020, the Applicant filed a motion seeking an order for *interim* measures to reassign her to another duty station because of alleged ill-treatment by her colleagues and her Second Reporting Officer (SRO) following the filing of her application on 3 May 2019. The Tribunal issued Order No. 013 (NBI/2020) dismissing the motion for *interim* measures.

### **Considerations**

5. The Tribunal has reviewed the submissions of the parties and is of the view that the case is suitable for determination on the papers filed. In so doing there are clear issues to be determined that can be identified by the Tribunal. However, in order to facilitate the fullest consideration of all issues, the views of the parties will be considered. As such the relevant issues to be determined, identified by the parties as in dispute in this matter, are to be clearly and jointly agreed upon and delineated.

6. In the process of those discussions, the parties should also consider their respective positions on the likelihood of this dispute being resolved *inter partes*.

7.

conduct of proceedings, the Tribunal, pursuant to articles 10.3 of the UNDT Statute and 15.1 of the Rules of Procedure and being mindful of paragraph 27 of General Assembly resolution 69/203 (Administration of justice at the United Nations),

strongly urges the parties in this matter to consult and deliberate in good faith on

*(Signed)*

Judge Francis Belle

Dated this 23<sup>rd</sup> day of July 2020

Entered in the Register on this 23<sup>rd</sup> day of July 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi