
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/076
Order No.: 061 (NBI/2023)
Date: 8 March 2023
Original: English

Before: Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

HUMACKIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Nicole Wynn, AS/ALD/OHR, UN Secretariat
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. By application filed on 5 September 2022, the Applicant contests administrative failure to take action in response to her complaints to ensure a workplace free of discrimination, harassment, and abuse of authority. The Applicant erroneously indicates Management Evaluation (ME) as the impugned decision, which does not alter the gist of her application.¹

2. The Respondent filed his reply on 6 October 2022, in which he contends that the application is not receivable as the ME is not an appealable decision whereas the Applicant's grievance was acted upon and resulted in a decision that the Applicant did not appeal. In the alternative, the Respondent maintains that the actions of the administration were legal and procedurally correct.

Consideration

3. The Tribunal finds that the Applicant filed two formal complaints, alleging workplace harassment by her supervisor. The complaint dated 23 May 2019 ("first complaint") resulted in a decision of March 2021, whereby the Applicant's supervisor was reprimanded. This decision was not appealed by the Applicant.

4. The second complaint dated 24 November 2021 ("second complaint"), resulted in a report from the Regional Conduct and Discipline section ("RCDS") dated 9 December 2021 according to which the matter merited a managerial action only; further, in June 2022, it entailed a reassignment of both the Applicant and her supervisor. The reassignment of the Applicant is challenged in another pending application.²

¹ *Chaaban* 2016-UNAT-611, para. 18; *Fasanella* 2017-UNAT-765, para. 20; *Olowo-Okello* 2019-UNAT-967, para. 26; *Cardwell* 2018-UNAT-876, para. 23.

² UNDT Case Number: UNDT/NBI/2022/108.

5. The Tribunal finds that factual premises and procedural aspects regarding the Applicant's second complaint

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 8th day of March 2023

Entered in the Register on this 8th day of March 2023

(Signed)

Shamila Unnikrishnan, for,
Abena Kwakye-Berko, Registrar, Nairobi