



FACTS AND PROCEDURE

1. The Applicant is a Chief Security Advisor working with the United Nations Assistance Mission for Iraq (“UNAMI”).¹
2. On 28 December 2018, the Applicant applied for the “Recruit from the Roster” job opening for the post of Chief Security Advisor (“JO 106382”) in UNAMI.² Having not received any notification on her application for the post, on 11 February 2019, by way of email, the Applicant contacted the United Nations Under-Secretary General for Safety and Security (“USG-DSS”), and among others, she informed him that she had knowledge but was seeking confirmation of the fact that another candidate had been appointed to the position.³
3. On 21 February 2019, the USG-DSS replied confirming that the position had already been filled.⁴ On 27 March 2019, the Applicant wrote back thanking the USG-DSS and informing him that she had applied for another position.⁵
4. On 27 April 2019, the Applicant requested management evaluation⁶ and on 9 September 2019, she filed an application with the United Nations Dispute Tribunal contesting the decision of UNAMI not to select her for the position of Chief Security Advisor, P-5.⁷
5. On 10 September 2019, the application was served on the Respondent with a deadline to file his reply by 10 October 2019.
6. On 24 September 2019, the Respondent filed a motion in which he requested that the Tribunal should determine the receivability of the application as a preliminary matter pursuant to art. 19 of the Tribunal’s Rules of Procedure. In the motion, the Respondent argued that the application is not receivable *ratione materiae*. The

¹ Application, section I.

² Application, section VII, para 5.

³ Application, section VII, para 6; Reply R/1.

⁴ Reply, R/1.

⁵ Reply, R/2, page 2.

⁶ Application, annex C.

⁷ Application, section I.

Respondent also sought a suspension of the 10 October 2019 deadline for the filing of the reply pending the Tribunal's determination of the motion.

7. By Order No. 145 (NBI/2019), issued on 25 September 2019, the Tribunal granted the Respondent's motion. The Tribunal also directed the Applicant to file a detailed response to the Respondent's motion specifically on the issue of receivability

receivable before the Tribunal. For this determination, it is necessary to establish based on the evidence on file, which of the communications triggered the running of the deadline to request management evaluation and, consequentially, the deadline for judicial review.

12.

