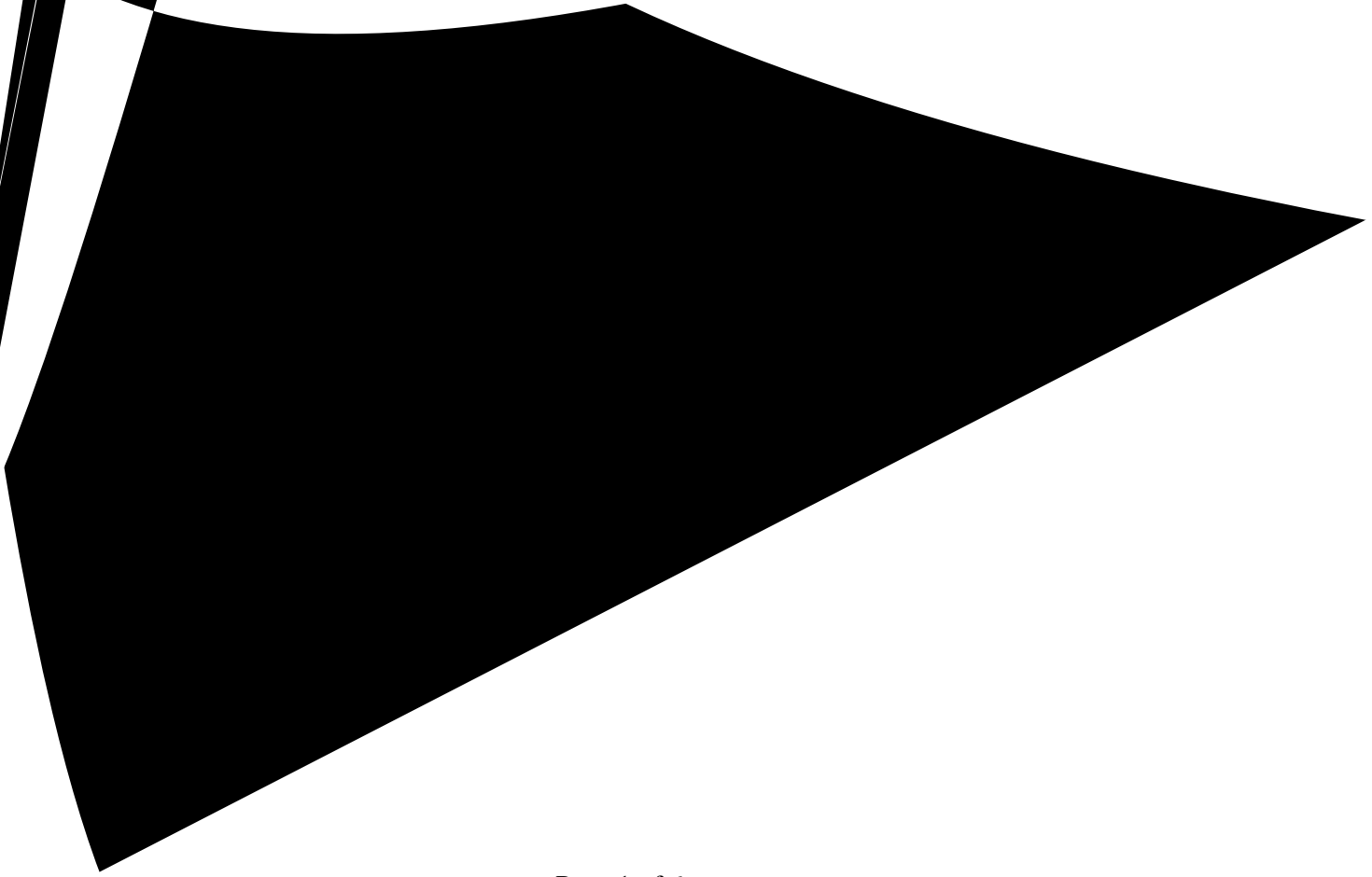




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THE UNITED NATIONS DISPUTE TRIBUNAL (“Tribunal”) sitting in the person of Judge Nkemdilim Izuako;

1. The Applicant, who is a staff member of the International Criminal Tribunal for Rwanda (ICTR), entered the services of the United Nations on 9 December 1992 as a Personnel Assistant at the G-5//II level at the Economic and Social Commission for Western Asia (ESCWA). On 1 February 1998, the Applicant was placed on special leave without pay to pursue a Professional Category position with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). He entered into service at UNRWA on 1 March 1998 as a Personnel Officer (International) at the 16/1 level. On 1 July 1998, the Applicant was separated from ESCWA. At the time of his separation from ESCWA, the Applicant was at the G-5/VIII within the United Nations Common System of salaries, allowances and other conditions of service.
2. On 24 July 1998, the ICTR requested UNRWA to release him on secondment to the Tribunal as a Personnel Assistant on a fixed-term appointment for an initial period of one year. Since the policy at the time in UNRWA was not to release its staff on secondment, on 6 August 1998, the Applicant informed the ICTR that he would be willing to resign from UNRWA and take the offered position in Arusha.
3. On 18 September 1998, the ICTR made the Applicant an Offer of Appointment for the position of Personnel Assistant at the FS-3/I level. On 30 September 1998, the Applicant wrote to the Chief of Personnel Section, ICTR, requesting clarification on some details of the Offer of Appointment he received from the ICTR, arguing that his position at UNRWA was above the General Service category at the UN Secretariat. The then Chief of Personnel Section responded by sending the Applicant an amendment to the Offer of Appointment on 14 October 1998 which corrected his entry level to FS-3/II level and explained how his entry level was defined.

4. The Applicant accepted the Offer of Appointment on 3 November 1998, but asked to meet the Chief of Personnel Section to discuss his recruitment level upon his arrival to ICTR. On the next day, the Chief clarified that he had explained on his previous correspondence how the Applicant's entry

9. Subsequently, by email dated 22 July 2009, the Applicant contacted the Registrar, UNDT in Nairobi informing him that he wished to file an action before the Tribunal to contest the administrative decision taken by the ICTR not to correct his entry level at that Tribunal and requested extension of time to avail himself of legal assistance.

- 10.

14. The Applicant also proffers that he needs more time in view of the fact that he only recently accepted a post of Administrative Officer, P-3, EMRO, WHO, Cairo, Egypt for which he has requested ICTR to release him as of 8 November 2009 although his contracts ends on 31 December 2009. Another reason put forward by the Applicant is that he is engaged with preparing his hand-over notes in his current workplace and making arrangements for his moving out of Arusha to Cairo.

15. In considering this application, the Tribunal recalls the provisions of Article 8.3 of the Statute which states:

The Dispute Tribunal may decide in writing, upon written request

consistently pursued for over ten years with his Employers the ICTR, it is difficult to understand why he now needs about six months to properly bring the same matter before the Tribunal.

18. On the whole, I find the application totally unserious and lacking in diligent prosecution. The present application not only lacks merit but constitutes an abuse of the process of the Tribunal.

19. IN THE LIGHT OF THE FOREGOING,

THE TRIBUNAL HEREBY ORDERS:

(a) That the Applicant's motion for extension of time before the Tribunal is refused;

(b) That his incomplete action registered as Case No. UNDT/NBI/2009/17 is struck out.

(Signed)

Judge Nkemdilim Izuako

Dated this 29th day of October 2009

Entered in the Register on this 29th day of October 2009

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi