



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D

Case No. 2011-260



Counsel for Appellant: Self-Represented

Counsel for Respondent: Wambui Mwangi

**JUDGE KAMALJIT SINGH GAREWAL**, Presiding.

1. The United Nations Appeals Tribunal (Appeals Tribunal) is seized of an appeal filed by Mr. Enrico Muratore against Judgment No. UNDT/2011/125 rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in the case of *Muratore v. Secretary-General of the United Nations* in Geneva on 11 July 2011. Mr. Muratore appealed on 28 September 2011, and the Secretary-General answered on 28 November 2011.

### **Synopsis**

2. The Appellant challenged the decision of the Ethics Office dated 30 June 2006, rejecting his request for an ethics inquiry. But he filed his request for administrative review only on 4 September 2006. The Dispute Tribunal held that the case was not receivable. We find no reason to disagree. Appeal is dismissed.

### **Facts and Procedure**

3. Mr. Muratore joined the Office of the United Nations High Commissioner for Human Rights (OHCHR) at the P-3 level on 19 July 2004. He was initially a Human Rights Officer with the Africa Unit, Capacity Building and Field Operations Branch (CBB) and, as of 15 May 2005, a desk officer for Russia, Belarus and Ukraine, with the Europe, North America and Central Asia Unit (ENACA). His contract was extended on several occasions until it expired on 30 June 2006.

4. In December 2004 and March 2006, Mr. Muratore complained to the Chief of CBB, alleging that he had been subject, initially to discrimination and harassment by the Africa Team Coordinator and subsequently to retaliation by the ENACA Coordinator.

5. On 15 May 2006, Mr. Muratore requested that the Chief of CBB explain the decision to extend his contract for the last time only to the end of June 2006, but according to Mr. Muratore, he received no response.

6. On 23 May 2006, Mr. Muratore filed a complaint relating to these events with the Ethics Office.

7.



OHCHR regarding the post regularization process or the fact that he had requested a justification

**THE UNITED NATIONS A**

Appellant then asked the Ethics Office to review its decision but his request was declined. The Appellant sought administrative review of the Ethics Office's decision on 4 September 2006. The impugned decision was upheld. The appeal to the JAB was dismissed.

26. The decision of the Ethics Office declining to entertain the Appellant's request for an ethics enquiry is the administrative decision we are concerned with. This decision was taken on 30 June 2006. The request for administrative review was made on 4 September 2006, beyond the 60-day time limit. Therefore, the Dispute Tribunal rightly concluded that the case was not receivable. We find no reasons to disagree.

### **Judgment**

27. Appeal is dismissed.

Original and Authoritative Version: English

Dated this 29<sup>th</sup> day of June 2012 in Geneva, Switzerland.

*(Signed)*

Judge Garewal, Presiding

*(Signed)*

Judge Simón

*(Signed)*

Judge Weinberg de Roca

Entered in the Register on this 12<sup>th</sup> day of September 2012 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar