



Case No.:

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. The applicant entered the service of the International Criminal Tribunal for Rwanda (ICTR) in April 2002 as a Finance Assistant (GL-5) and worked on consecutive contracts until 31 August 2006 when he was separated from service.

2. On 31 July 2006, the Human Resources and Planning Section (HRPS) of ICTR verbally informed the applicant that his contract would not be renewed beyond that same day, but informed him that a one month extension would be sought for him until 31 August 2006, in order to give him notice. The decision was again communicated to the applicant in writing on 18 August 2006.

4. On 18 December 2006, the applicant wrote to the Secretary-General requesting a review of the administrative decision not to renew his contract and on 9 April 2007, he filed an incomplete Statement of Appeal with the Joint Appeals Board (JAB). He requested and was granted an extension of the time limit to file his appeal to 8 May 2007.

5. On 8 May 2007, the applicant submitted his Statement of Appeal to the JAB. The JAB submitted its report on 30 May 2008. In its report, the JAB rejected the applicant's pleas as time-barred and, thus, as

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d. His letter to the head of mission also served to notify the Organization that he was searching for the correct procedure to reach the Secretary-General about his desire to have the decision reconsidered. That notification immediately placed a burden on the head of mission to alert the applicant to his rights under the Staff Rules

f. The present Application is not receivable because it was filed outside the 90 day time limit prescribed under Article 7(4) of the former UN Administrative Tribunal Statute. The applicant received notification of the Secretary-General's decision accepting the findings of the JAB on 31 July 2008. The applicant was therefore required to file his Application with the Administrative Tribunal by Wednesday, 31 October 2008. However, the applicant

not abide by the time limits for filing his application with the JAB and subsequently, in his appeal against the JAB's findings, he also failed to abide by the time limits for filing his application with the former UN Administrative Tribunal. It is obvious that the applicant is not serious or diligent in pursuing his claims and this absence of diligence does not amount to exceptional circumstances. Having found the Application to be time-barred, the Tribunal rejects the Application in its entirety.

(Signed)

Judge Nkemdilim Izuako

Dated this 24th day of September 2010

Entered in the Register on this 24th day of September 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi