

Introduction

The Applicant, a former staff member of the United Nations Human Resources Administration (N-HA), contests the decisions of the Office of Staff Liaison Assistance (OLA) of November 2012 concerning his representation.

Procedural background

The application was filed on December 2012 at the National Registry of the Tribunal. It was served on the Administrative Law Section (AL) of the Office of Human Resources Management on January 2014 with a deadline of February 2014 for submission of the respondent's reply.

AL rejected service of the application arguing that the Secretary General was represented by Counsel at N-HA in cases brought by former or current staff.

c. that the decisions of the Ethics Office that the Applicant's reports were not a protected act pursuant to GB 2.2 and that she was not subject to retaliation for a not reports and

d. N Habtat decision not to renew a fixed term contract beyond December 2.2

2. The application was registered under Case No. ND NBI 2.2 and reassigned to the undersigned Judge on October 2.2 case

2. On August 2.2 the Applicant filed an application before the Tribunal registered under Case No. ND NBI 2.2 against the decisions:

a. not to disclose the documentation of the process leading to and support not the administrative decision not to include in a professional roster

b. not to disclose the members of the Central Review Body and

c. not to include in a professional roster

2. This case was reassigned to the undersigned Judge on 2 October 2.2 case 2.

On October 2.2 the Tribunal issued Case Management Orders No. 2 NBI 2.2 in case 2.2 and No. 42 NBI 2.2 in case for the fair and expeditious management of the cases and to advise the Applicant to seek legal counsel for the conduct of both cases. In its orders the Tribunal stated that information on legal assistance is available at OLA website and that it also served the orders to OLA to facilitate the process.

On the same day the Applicant sent the two orders to OLA. He asked whether OLA was now prepared to provide with fair and comprehensive legal representation in the best interests of as for her staff member. He referred to the exchanges with OLA on 2.2 which were described as questionable story and requested that an experienced OLA staff member who had not yet been involved in his case be appointed.

On the same day the Applicant responded with his analysis with respect to the two cases and had a phone conversation with the OLA Legal Officer on November 2.

Several exchanges ensued between the Applicant and the OLA Legal Officer in which the latter provided the Applicant with general information and case law on four areas of law relevant to the Applicant's cases.

On 2 November 2 the Applicant said that the further elaborated suggestions were needed in his case and asked whether OLA was willing to represent his case.

4 The OLA Legal Officer responded on the same day reiterating that OLA had declined assistance twice in case 2 and could not participate in combined cases. He noted that case 2 itself was tenuous.

4 By email of 2 November 2 the Applicant again requested more elaborated suggestions for his arguments in case 2. The OLA Legal Officer responded on the same day that he could only respond to specific legal or procedural questions.

4 2 Further exchanges ensued in which the Applicant continued his requests for advice. The OLA Legal Officer responded on 2 November 2 by reiterating that the offer stands to provide focused advice with respect to particular legal procedural or evidentiary matters.

4 On 22 November 2 case 2 and 2 November 2 case 2 respectively the Applicant advised the Director of OLA rejection of his request for legal representation in both cases and asked to instruct the Registry to remove OLA from the distribution list in these two cases.

44 On December 2 the Applicant submitted a request for a final evaluation of OLA decisions of 2 November 2 to decline legal representation in cases 2 and 2. He filed the present application on December 2.

b The contested decisions with respect to both cases was substantively
reversible since the Organization failed to provide with valid support or
reason to decline representation

c OLA admissions included its offer to provide focused advice with
respect to particular or eventary matters show that the decisions not to
represent the Applicant were not justified on the basis of any practical
considerations of these cases

d OLA misrepresented facts and corresponding case law and set a
preposterous threshold for the requester of a case as prerequisite for
OLA to provide representation Orders No 42 NBI 2 and
No 2 NBI 2 indicate that the Tribunal was of the view that the
Applicant was in need for professional representation and that it found
sufficient merits to both cases to consider otherwise would imply that
the Orders constituted a deliberate act of waste of OLA resources

e OLA decision to take on a case or not must be made on the basis of
facts and sound judgment and OLA has no discretionary authority in this
respect

f The chronology shows that OLA assessment of November 2
was not finalized with 2 FSH 28 F FdHc 2 FeH c 2 Fy FbHc

d scret on O LA acted arb trar y or t at t e dec s ons were based on extraneous reasons or b as

In fact t e dec s ons of O LA ave been v nd cated by t e subsequent ud e ents of t e r buna on t e two cases n quest on

2 F na y t e contested dec s ons by O LA d d not ne at ve y pact on t e