



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

ROLLI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Robbie Leighton, OSLA

Counsel for Respondent:
Daniel Trup, WMO

Introduction

1. By statement of appeal dated 7 June 2018 to the Joint Appeals Board (“JAB”) of the World Meteorological Organization (“WMO”), the Applicant contested his summary dismissal from WMO, which had been decided by the Secretary-General of WMO.
2. On 12 February 2019, the JAB issued its report in which it recommended the WMO Secretary-General to uphold the dismissal decision, and which he did on 14 February 2019.
3. On 15 April 2019, the Applicant filed an appeal to the Appeals Tribunal of the contested decision.
4. On 25 October 2019, the Appeals Tribunal issued Judgment No. 2019-UNAT-952 by which it remanded the case to the JAB.
5. On 7 February 2020, WMO submitted the former JAB case record concerning the present case to the Geneva Registry of the Dispute Tribunal for the adjudication of the matter.
6. On 30 April 2021, the case was transferred from the Dispute Tribunal’s Registry in Geneva to the one in New York.
7. On 25 May 2021, the case was assigned to the undersigned Judge.

Consideration

8. In Judgment No. 2019-UNAT-952, the Appeals Tribunal held that “this appeal cannot be determined without additional fact-finding that may require oral testimony in relation to several material issues”. The Applicant’s appeal to the JAB therefore had to “be reconsidered and re-determined by a neutral process that produces a record of decision and a written decision including a statement of the

relevant facts, the relevant law and reasons for the decision”. The Appeals Tribunal “proposed” to remand the case to JAB, highlighting that the findings had to be “substantiated on proper evidence (including where necessary oral testimony) and be set out in a written decision determining the ultimate issue, as contemplated in Article 2(10) of the Statute of the Appeals Tribunal read with Article 2 of the agreement”.

9. Since then, WMO has decided to abolish the JAB and submit itself to the jurisdiction of the Dispute Tribunal, which “may issue practice directions related to the implementation of the rules of procedure” under art. 36.2 of its Rules of Procedure.

10. By Practice Direction No. 4 on filing of applications and replies (as revised on 1 July 2014), the Dispute Tribunal decided that applications “shall be submitted on the appropriate current forms of the Dispute Tribunal” and “should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines” (see paras. 5 and 6). Similarly, replies to applications “are to be submitted using the respective form posted on the website of the Dispute Tribunal” and “should not exceed 10 pages, font Times New Roman, font size 12, line spacing of 1.5 lines” (see paras. 18 and 19).

11. In the present case, the required forms for applications and replies, which are specifically designed to facilitate the fair and expeditious disposal of the case and to do justice to the parties, were not used when the parties submitted their initial pleadings to the JAB. The Tribunal further notes that the former JAB case file is simply not in a state and condition whereby the various submissions and written documentation can be appropriately reviewed and assessed by the Tribunal.

12. Accordingly, using the Dispute Tribunal’s application form, which can be found on its website at www.un.org/en/internaljustice/undt/forms-filing-guidelines, the Applicant is to file his application in the eFiling portal and also append all relevant annexes. Following the structure of this application form, he shall summarize those contentions already presented to the JAB and which he continues to rely on. No

new arguments or written evidence are allowed without the explicit approval of the Tribunal. Upon receipt of the application, the Respondent is subsequently to file his reply within the statutory 30-day deadline using the form available on the website. Thereafter, the Tribunal will decide on how to further manage the case.

13. In Judgment No. 2019-UNAT-952, the Appeals Tribunal also directed the JAB to “make findings” on a number “issues and questions” (see para. 34). The Appeals Tribunal thereby intended to ensure that the case is given the adequate attention and scrutiny that must be expected by an independent and impartial judicial mechanism. These directions were not addressed to the Dispute Tribunal, which per definition constitutes such a mechanism. Consequently, as the primary fact-finder, the Tribunal is not bound by these directions, but will, as appropriate, let itself be guided by them. When the parties cover the themes and topics set out in para. 34 in their submissions, they are, however, not to do so as specific responses to each of the questions, but are rather to follow the regular outline of the application and reply forms.

IT IS ORDERED THAT:

14. By **4:00 pm on Wednesday, 23 June 2021**, the Applicant is to file his application following the above-mentioned instructions.

15. Within **30 calendar days** of the date of receipt of the application, the Respondent is to file the reply.

(Signed)

Judge Joelle Adda

Dated this 8th day of June 2021