Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: Liliana López Bello

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:
Sètondji Roland Adjovi, Etudes Vihodé Ltée
Anthony Kreil Wilson, Études Vihodé Ltée

Counsel for Respondent:
Alister Cumming, UNICEF

Introduction

1. By an application filed on 29 April 2024, the Applicant contests the decision not to investigate his complaint of intentional leakage of his personal information from inside the Sudan Country Office ("SCO") of the United Nations Children's Fund ("UNICEF").

2. By Order No. 69 (GVA/2025) of 19 June 2025, the Tribunal, *inter alia*, instructed the parties to file closing submissions, focusing primarily on the facts in dispute and the issue of receivability.

3. On 3 July 2025 at 5:06 p.m. (Geneva time), the Applicant filed his closing submissions.

4. On 3 July 2025, at 5:41 p.m. (Geneva time), the Respondent filed his closing submissions.

5. Later that day, the Applicant filed a motion to strike the Respondent's closing submission from the case record.

Consideration

6. The Applicant submits that Counsel for the Respondent waited until the Applicant had submitted his closing arguments to then amend his own. In doing so, and without seeking leave from the Tribunal first, Counsel for the Respondent abused the proceedings by commenting extensively on the Applicant's closing submissions.

7. The Applicant, thus, requests that the Tribunal strike the Respondent's closing arguments from the case records and, given his late filing, does not allow Counsel for the Respondent to participate in these proceedings any further.

8. In the alternative, the Applicant seeks leave to be granted equal treatment to comment on the Respondent's closing arguments.

9. The Tribunal recalls that closing submissions are the last opportunity a party has to present his/her legal case before case management is closed and the Tribunal

moves forward with its adjudication. It is meant to be an opportunity to summarize the evidence and legal arguments, and highlight key arguments.

10. By Order No. 69 (GVA/2025), the Tribunal instructed the parties to file their respective closing submissions that should "exclusively refer to the evidence already on file".

11. It follows that the Applicant is correct in that the Respondent should not have commented on his closing submissions.

12. Notwithstanding, the Tribunal further recalls that it is not bound by the parties' submissions. It will exercise its discretion when weighing the evidence and the totality of the submissions, including whether or not the comments made by the Respondent in his closing submissions are appropriate and/or relevant.

13. In this context, the Tribunal does not find it necessary to strike the Respondent's closing submissions from the case record.

14. With respect to the late filing argument, the Tribunal also recalls that Order No. 69 (GVA/2025) instructed the parties to file their respective closing submissions by 3 July 2025, without any specific time. Absent said specificity, it cannot be said, as the Applicant argues, that the Respondent's filing was late.

15. Lastly, the Applicant requests an opportunity to comment on the Respondent's closing submission in case the Tribunal rejects his motion to strike it from the record.

16. As stated above, the parties are not entitled to make comments on their counterparts' closing statements, as these should exclusively refer to the evidence already on the record. While the Tribunal is cognizant that the Respondent failed to abide by its instruction in this regard, it does not find it necessary to delay proceedings any further by reopening case management.

Conclusion

17. In view of the foregoing, it is ORDERED THAT the Applicant's motion is rejected.

(*Signed*)
Judge Margaret Tibulya
Dated this 9th day of July 2025

Entered in the Register on this 9th day of July 2025
(*Signed*)
Isaac Endeley, for Liliana López Bello, Registrar, Geneva