



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/036
Order No.: 112 (GVA/2025)
Date: 25 September 2025
Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

SAMANDAROV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Camila Nkwenti, HRLU/UNOG

Introduction

1. By Order No. 84 (GVA/2025) dated 10 July 2025, the Tribunal, *inter alia*: (a) rejected the Applicant's motion for confidentiality; (b) instructed the Respondent to file his submissions and possible documentation as per *Russo Got* 2021-UNAT-1095 by 17 July 2025; and (c) instructed the Applicant to file his comments to the Respondent's 16 July 2025 filing by 24 July 2025.

2. Upon the Tribunal granting a request for extension of time by the Respondent, the parties duly filed their submissions in response to Order No. 84 (GVA/2025) on, respectively, 22 and 26 August 2025.

Consideration

The Applicant's "motion in relation [to] the Respondent's presumed ex-parte filings"

3. Together with his 26 August 2025 submission, the Applicant filed a "motion in relation [to] the Respondent's presumed *ex-parte* filings". By this motion, he requests that the Respondent "release (a) Comparative matrix and (b) Selection memorandum for the review of the Applicant". He submits that "[t]hese documents are essential for enabling the Applicant to exercise his legal defense rights and communicate his evidence-based comments to the Tribunal". He further contends that "the Respondent has no legal or valid reason to file these documents *ex parte* as they are traditionally made available by the Respondent for litigation purposes, including in multiple other cases filed by the Applicant and currently under consideration by the Tribunal. As advised by the Tribunal, the Respondent has always the option of redacting the names and/or other sensitive information or making under seal filing instead, in order to facilitate the legal proceedings. Finally, both documents are required to assess legality of the Respondent's actions and truthfulness of his claims. The selection memorandum is crucial in determining if recruitment process was implemented in compliance with rules, and if alleged desirable criteria were indeed elevated to level of required. While the comparative matrix is crucial in establishing if the candidates were indeed duly assessed against

published [job opening, “JO”] requirements. It is important to note that the Respondent conducted two comparative reviews and as such two separate comparative matrixes, not only one as claimed by the Respondent, should have been developed under this recruitment exercise”.

4. Regarding *ex parte* fillings of evidence, the Appeals Tribunal has held that this is “not consistent with and indeed is antithetical to, an independent and neutral Dispute Tribunal established by the General Assembly”. Thus, it “is a fundamental principle of fairness recognised by most legal systems that parties to litigation are entitled to know the cases against them and thereby have an opportunity to accept or contradict these, including by calling impeaching evidence, by cross-examination, and by submissions made to the tribunal”. (See *Nkoyock* 2023-UNAT-1401, para. 64).

5. With reference to a “Comparative Analysis Matrix” appended as an annex to the 19 September 2024 reply, which the Respondent had filed *ex parte*, the Tribunal noted in Order No. 84 (GVA/2025) that “[i]f the Respondent is concerned with revealing how other job applicants performed in the selection exercise, he can appropriately redact the relevant documentation”.

6. Subsequent to the Applicant’s 26 August 2025 submission, the Respondent has, however, not filed any further submissions.

7. The Tribunal will therefore order the Respondent to file redacted versions of the “Comparative Analysis Matrix” (annexes 2.1 and 2.2 to the reply), noting that no *ex parte* restriction was applied to the annex to reply titled, “Selection Recommendation for JO 225821 – Humanitarian Affairs Officer/Reporting and Analysis (P3) in Kabul, Afghanistan” (annex 3). This is what the Applicant refers to as the “[s]election memorandum”.

The Applicant’s “motion to award costs against the Respondent”

8. Together with the Applicant’s 26 August 2025 submission, he also filed a “motion to award costs against the Respondent”.

9. The Tribunal notes that the issue of cost under art. 10.6 of its Statute is most appropriately addressed in its final judgment. It will therefore allow the Applicant to summarize, as he finds appropriate, his submissions thereon in his closing statement. Thereafter, the Respondent can indicate his possible response in his closing statement.

Closing statements

10. With the Respondent's filling of the redacted version of the "Comparative Analysis Matrix", the Tribunal finds that the case will be fully briefed and the record complete. Due to the complexity and large volume of submissions of the parties, it will order them to file closing statements "for the fair and expeditious disposal of the case and to do justice to" them as per art 19.1 of its Rules of Procedure.

11. The purpose of these closing statements is for the parties to summarize *all* their substantive contentions in a structured manner within five pages using the font Times New Roman size 12, and 1.5 line spacing. In the Applicant's closing statement, he can also state his submissions regarding the "Comparative Analysis Matrix" and his comment to the Respondent's 22 August 2025 submissions.

12. To focus the closing statements on the issues raised by the Applicant as the moving party, the Tribunal will instruct the parties to file the closing statements in a staggered and sequential manner by which (a) the Applicant will first present his contentions, (b) the Respondent will then respond thereto, and (c) the Applicant, as the moving party, will be allowed the final word in a short response. No new evidence or pleadings, aside from those related to the "Comparative Analysis Matrix" and the Respondent's 22 August 2025 submissions, will therefore be allowed to be submitted with the closing statements, and if advanced, they will be struck from the record without possibility of making further submissions.

Conclusion

13. In view of the foregoing, it is ORDERED THAT:

- a. By **Wednesday, 1 October 2025**, the Respondent is to file a redacted version of the “Comparative Analysis Matrix” (annexes 2.1 and 2.2 to the reply);
- b. By **Wednesday, 15 October 2025**, the Applicant is to file his closing statement, which is to be five (5) pages maximum, using font Times New Roman, font size 12 and 1.5 line spacing. Aside from submissions on the “Comparative Analysis Matrix” and the Respondent’s 22 August 2025 submissions, the closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;
- c. By **Wednesday, 29 October 2025**, the Respondent is to file his closing statement responding to the Applicant’s closing statement at a maximum length of five (5) pages, using font Times New Roman, font size 12 and 1.5 line spacing. Aside from comments on the Applicant’s submissions on the “Comparative Analysis Matrix” and the Respondent’s 22 August 2025 submissions, the closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;
- d. By **Monday, 3 November 2025**, the Applicant may file a statement of any final observations responding to the Respondent’s closing statement. This statement of final observations by the Applicant must be a maximum of two (2) pages, using font Times New Roman, font size 12 and 1.5 line spacing. It must be solely based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage; and

e. Unless otherwise ordered, on receipt of the latest of the aforementioned statements or at the expiration of the provided time limits, the Tribunal will adjudicate on the matter and deliver Judgment based on the documentation on record as soon as possible.

(Signed)

Judge Sun Xiangzhuang

Dated this 25th day of September 2025

Entered in the Register on this 25th day of September 2025

(Signed)

Liliana López Bello, Registrar, Geneva