



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/075
Order No.: 121 (GVA/2025)
Date: 30 October 2025
Original: English

Before: Duty Judge
Registry: Geneva
Registrar: Liliana López Bello

KELAPANDA

v.

REGISTRAR
OF THE INTERNATIONAL COURT OF
JUSTICE

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Sètondji Roland Adjovi,
Anthony Kreil Wilson

Counsel for Respondent:

ICJ

Introduction

1. On 27 October 2025, the Applicant, a staff member of the International Court of Justice (“ICJ”), filed an application contesting the administrative decision dated 11 April 2025 to issue him a written reprimand and place it in his official status file.
2. On the same day, the Registry noticed that the application was incomplete and contained some discrepancies. Counsel for the Applicant was thus instructed to:
 - a. Provide a copy of the request for management evaluation;
 - b. Provide a copy of the response to the request for management evaluation; and
 - c. Correct the list of annexes under Section X of the application.
3. Counsel for the Applicant responded as follows:

My apologies for the confusion in Section X, it had some of the entries repeated. This has been corrected.

With respect to the request for management evaluation and the management evaluation response, all that is required is confirmation that the management evaluation was submitted and the date the applicant received the response upholding the decision, which clears the pathway to submitting an application to the Tribunal under Article 8(1)(c) and 8(1)(d)(i)(a) of the UNDT Statute. We are not challenging the outcome of the management evaluation, we are only challenging the original sanction decision after it was submitted for management evaluation as required by the ICJ Rules and Regulations (Annex 08). It is well established jurisprudence that any challenge of the response of the management evaluation is not receivable (See para.14 of *Cherneva*, UNDT/2021/111 (Not Appealed)). As a consequence, we do not agree that the actual management evaluation and outcome of the management evaluation is relevant, only the dates, which have been provided in Annexes 6 and 7. If the Judge orders us to provide these documents, that is another matter entirely.

Consideration

4. According to arts. of the 8(1)(c) and 8(1)(d)(i)(a) of the Tribunal's Statute:

Article 8

1. An application shall be receivable if:

...

(c) An applicant has previously submitted the contested administrative decision for management evaluation, where required; and

(d) The application is filed within the following deadlines:

(i) In cases where a management evaluation of the contested decision is required:

a. Within 90 calendar days of the applicant's receipt of the response by management to his or her submission;

5. It follows that an application challenging an administrative decision is not receivable if that decision has not first been subjected to the management evaluation process. Logically, in order to determine the receivability of an application, one must verify whether the specific administrative decision being contested was the subject of a prior management evaluation.

6. Accordingly, it is not sufficient for an applicant to merely assert or reference a request for management evaluation. The applicant must demonstrate that the request pertained to the precise administrative decision being challenged. For this reason, a copy of the request for management evaluation, along with its outcome, is required.

7. Furthermore, Counsel's exclusive reliance on the literal wording of art. 8 of the Tribunal's Statute to justify his refusal to provide the required documentation is misplaced. Article 8 merely outlines the conditions under which an application may be deemed receivable. It does not govern the procedural requirements for filing applications. For guidance on filing practices, Counsel should have referred to art. 8

of the Tribunal's Rules of Procedure and Practice Direction No. 4, which clearly supports the foregoing, as it follows (emphasis added):

Rules of Procedure

Article 8 Applications

2. The application should include the following information:

[...]

(g) Any supporting documentation (annexed and numbered, including, if translated, an indication thereof).

[...]

4. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate. **If the formal requirements of the article are not fulfilled, the Registrar may require the applicant to comply with the requirements of the article within a specified period of time.** Once the corrections have been properly made, the Registrar shall transmit a copy of the application to the respondent.

Practice Direction No. 4 (Filling of applications and replies)

[...]

7. In addition to information required by art. 8 of the Rules of Procedure of the Tribunal, an application on the merits under art. 2.1(a) and (b) and art. 2.5 of the Statute of the Tribunal should include the following information:

a. A succinct statement of the facts, matters and things relied on to prove the decision did not comply with the terms of appointment or contract of employment;

b. A copy of the request for management evaluation and the management evaluation decision, if appropriate.

8. Therefore, whether by logical reasoning or by reference to the legal framework governing the Tribunal's procedures, the Applicant is required to submit, along with the application, a copy of the request for management evaluation concerning the contested decision in his application, as well as a copy of the resulting management evaluation decision.

9. Lastly, to prevent unnecessary delays and the inefficient use of resources, the Tribunal strongly encourages Counsel to comply, moving forward, with the Registry's instructions regarding administrative matters such as the filing of applications. It is the Registry's role to process all submissions and to ensure that they are complete and in accordance with the procedural standards.

Conclusion

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

- a. By **Friday, 31 October 2025**, the Applicant shall file a copy of the request for management evaluation of the contested decision and a copy of the management evaluation decision.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 30th day of October 2025

Entered in the Register on this 30th day of October 2025

(Signed)

Liliana López Bello, Registrar, Geneva