



Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

LIKUKELA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION FOR COMPLIANCE WITH
PRACTICE DIRECTION NO. 4 AND
ON THE APPLICANT'S MOTION TO
FILE ADDITIONAL SUBMISSIONS**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR/UN Secretariat
Tamal Mandal, AS/ALD/OHR/UN Secretariat

Introduction

1. On 19 April 2025, the Applicant filed an application to contest what she describes as:
 - a. Recovery of wages;
 - b. Prevention of payment of earned United Nations pension;
 - c. Lack of legal basis for recovery of final pay;
 - d. Delay in payment of final pay;
 - e. Characterization of all her withheld funds as stolen and part of the femicide racketeering conspiracy inflicted on her;
 - f. Damages for loss and potential damage to personal belongings;
 - g. Declaration of all such decisions as part of the femicide racketeering conspiracy being inflicted on her;
 - h. Declaration of cordoning and acting on the said facts by the Secretary-General “as “Arbitrary Acts”, which warrant referral of the matter to the United Nations General Assembly and the Security Council for Investigation and possible impeachment;
 - i. The 23 February 2024 violation and criminal trespass, vandalization and looting of her residence, by political cadres and local police, accompanied by Zambian lawyers; and
 - j. Payment of USD2,500 per day from the time she was made homeless on 23 February 2024.
2. The deadline for the Respondent’s reply was 23 May 2025.
3. On 30 April 2025, the Respondent filed a motion requesting the Tribunal to direct the Applicant to comply with art. 9 of the UNDT Statute and paras. 22 and

23 of Practice Direction No. 4, “Filing of Applications and Replies”. The Respondent submits that the application violates the page limit requirements of paras. 22 and 23 of Practice Direction No. 4 because it includes three annexes containing 64 pages of facts, arguments and remedies sought that are in addition to the facts, arguments, and remedies sought in the Applicant’s filed application form.

4. The Respondent further submits that the Applicant has not explained why her dispute is of sufficient complexity or magnitude to justify a waiver from the prohibition in paras. 22 and 23 and, therefore, from the requirements in paras. 5 and 6 of Practice Direction No. 4 regarding the length of an application.

5. The Respondent requests the Dispute Tribunal to:

- a. Order that annexes 5, 6 and 7 be expunged from the record pursuant to paragraphs 22 and 23 of Practice Direction No. 4;
- b. Order the Applicant to file an amended application which complies with paragraphs 5, 6, 22 and 23 of Practice Direction No. 4; and
- c. Re-set the deadline for the Respondent’s reply to 30 calendar days from the service of an amended application.

6. On 30 April 2025, the Applicant filed a response requesting the Tribunal to deny the Respondent’s motion in its entirety. The Applicant’s grounds for objection to the Respondent’s motion are:

- a. The filings in question contain factual information and evidence that are crucial to substantiating her claims;
- b. The removal of the filings directly jeopardizes her ability to present a complete and accurate account of the facts;
- c. The filings contain information pertaining to serious allegations and expunging such information could be interpreted as an attempt to obstruct the investigation and to delegitimize her claims; and

d. Expunging the documents from the record violates her due process, the rules of natural justice and is a “predatory, and illegal act”.

7. On 1 May 2025, the Applicant filed a motion requesting to file additional pleadings to address matters raised in a management evaluation response that she received from the Management Advice and Evaluation Section (“MAES”) on 1 May 2025. The Applicant alleges that the MAES letter contains new and directly relevant information to her application, and requests the Tribunal to:

a. Direct the Respondent to produce documentary evidence of a payment of USD47,224.62 to the United Nations Federal Credit Union, as stated in the MAES letter;

b. Direct the Respondent to provide documentation substantiating an alleged debt to UNFCU;

c. Direct the Respondent to explain why the MAES letter was issued outside the established timelines for management evaluation; and

d. To recommend the waiver of immunity of specific named United Nations staff members and all un-named United Nations staff members implicated in the recovery of her salary and payment to UNFCU.

Consideration

8. Paragraph 23 of Practice Direction 4 provides that “annexes are not to be used to submit additional argument or facts that could not be included in the motion or response”. The Applicant has failed to comply with the provisions. Specifically, the Applicant filed annex 5 “Continued Summary of the facts of the case or facts relied upon”, contains 18 (single-spaced) pages of facts; annex 6, “Continued Grounds for Contesting the Decision” contains 38 pages of arguments; and annex 7, “Continued

Response on What Remedies Are You Seeking Chapter” contains eight pages of remedies sought.

9. The Tribunal agrees with the Respondent that the Applicant must comply with the requirements for filing an application set forth in paras. 5, 6, 22 and 23 of Practice Direction No. 4. The legal matters at issue in the application are not particularly complex to justify a waiver of the applicable provisions set out above.

10. The Tribunal shall determine the admissibility of Annexes 5-7 at a later date, after the assignment of the case to a Judge who will review this case on its merits. The same applies to the Applicant’s motion requesting to file additional pleadings to address the matters raised in the MAES letter dated 1 May 2025.

Conclusion

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

a. The Applicant shall file an amended application which is in compliance with paras. 5, 6, 22 and 23 of Practice Direction No. 4 by **5 p.m.** (Nairobi time), by **Monday, 12 May 2025**.

b. The Respondent’s request to reset the deadline for the reply is granted. The Respondent shall file a reply by **5 p.m.** (Nairobi time), on **Monday, 9 June 2025**.

c. A ruling on the Respondent’s request to expunge Annexes 5-7 from the case record is deferred.

d. A ruling on the Applicant's request to file additional submissions to address the matters raised in the MAES letter dated 1 May 2025 is also deferred.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 9th day of May 2025

Entered in the Register on this 9th day of May 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi