



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/078
Order No.: 165 (NBI/2025)
Date: 24 September 2025
Original: English

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

OPERO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Martine Lemothe, OSLA
Marcos Zunino, OSLA

Counsel for Respondent:

Camila Nkwenti, HRLU/UNOG

Introduction

1. On 24 July 2025, the Applicant, a staff member, working with the Office for the Coordination of Humanitarian Affairs filed an application contesting a decision awarding her partial reimbursement of her claim of compensation for the loss of personal effects.
2. By the application, the Applicant also submitted a request to exceed the page limit on the ground that the factual issues in the case are complex.
3. The Respondent filed a reply on 2 September 2025, in which it is argued that the contested decision is not receivable *ratione temporis*.
4. The Respondent further contends that the contested decision was lawful.
5. On 22 September 2025, the parties filed a joint motion for referral to mediation and suspension of proceedings. The parties have indicated that they intend to seek mediation in this case and thus request the Tribunal to refer the case to the Office of the Ombudsman and Mediation Services (“UNOMS”).

Consideration

Applicant’s request to exceed page limit

6. The Tribunal notes that the request to exceed the page limit states no reason why the Office of Staff Legal Assistance (“OSLA”) could not adhere to the page limits. Indeed, it seems that the application could fit within the prescribed 10 pages with minimal editing. That said, the Tribunal observes that the application only exceeds the page limit by 1.5 pages so the request will be granted this time. However, OSLA should note that in the future such leniency will not be permitted.

Filing of a rejoinder

7. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue an order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

8. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file a rejoinder addressing the issues raised in the reply, particularly on receivability.

Parties' joint motion for referral to mediation and suspension of proceedings

9. The Tribunal notes that, in seeking to justify their motion, the parties primarily refer to two other cases pending before the Tribunal, *Hassanein* UNDT/NBI/2025/075, which is pending in Nairobi, and *Ryder* UNDT/NY/2025/024, which is pending in New York. However, the existence of these other cases is irrelevant to the motion. Indeed, Counsel are aware that in *Hassanein* the Tribunal has already noted that each case contests a separate decision, based on separate facts and separate reasoning. The fact that they all arose from the armed conflict in Sudan, and that the decisions were made by the same entities does not justify their being considered together in any way. (See, Order No. 156 (NBI/2025).

10. The claim for reimbursement in this case was filed on 29 January 2024 and the contested decision was made on 31 December 2024. There is no reason why the parties could not have engaged in mediation with the Ombudsman previously. So, the joint motion for referral to mediation and suspension of proceedings will be denied. Of course, nothing prevents the parties from pursuing an amicable settlement of the dispute if they so wish, and if an agreement is reached, then the rejoinder will not be necessary.

Conclusion

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

- a. Applicant's request to exceed page limit is granted and the application is accepted.
- b. By **Wednesday, 8 October 2025**, the Applicant shall file a rejoinder addressing the Respondent's arguments in the reply, especially the receivability issue raised by the Respondent. The rejoinder shall be no longer than 10 pages.

- c. The parties' joint motion for referral to mediation and suspension of proceedings is denied.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 24th day of September 2025

Entered in the Register on this 24th day of September 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi