



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/010
Order No.: 013 (NY/2025)
Date: 4 February 2025
Original: English

Before: Judge Francis Belle

Registry: New York

Registrar: Isaac Endeley

JEDIAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Tamal Mandal, AS/ALD/OHR/UN Secretariat

Introduction

1. The Applicant, a Principal Political Affairs Officer with the United Nations Mission for the Referendum in Western Sahara (“MINURSO”), filed an application on 4 March 2024 contesting the decision of the Office of Internal Oversight Services (“OIOS”) not to pursue an investigation into a complaint he had filed.

2. On 19 March 2024, the Respondent filed a motion to have the receivability of the application determined as a preliminary matter and requested the Tribunal to suspend the deadline for the filing of his reply until the receivability is determined.

3. By Order No. 033 (NY/2024) dated 20 March 2024, the Duty Judge stated that it was “premature at [that] stage of the proceedings to make a determination on the receivability of the application” and that it would be for the Judge of the Tribunal to whom the case would be assigned in due course to make such a determination. The Duty Judge then ordered the Respondent to file his reply on the merits.

4. On 8 April 2024, the Respondent filed his reply contending that the application lacks merit.

5. On 5 June 2024, the Applicant filed a document purporting to provide “some corrections and answers to the [Respondent’s] Reply”. The Applicant also filed an audio recording of his 3 September 2021 interview with OIOS. These submissions were not ordered by the Tribunal.

6. On 11 June 2024, the Applicant filed a motion for production of documents requesting the Tribunal to order the Respondent to:

- a. “obtain from his or her client a certificate establishing under oath that each and every fact presented in its Reply has been researched and is certified by the [Respondent] to be true and accurate”; and

b. produce “a statement made by any staff member from OIOS who makes a statement regarding the present case certifying that the facts referred to are to the personal knowledge of that staff member”.

7. On 25 October 2024, this case was assigned to the undersigned Judge.

Considerations

8. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

9. The Tribunal notes that the Applicant did not seek or obtain its leave to file his “corrections” to the Respondent’s reply or the audio recording of his OIOS interview. However, having reviewed both submissions in the context of the present case, the Tribunal cannot rule out their relevance to the adjudication of the matter and will therefore admit them into the case file.

10. The Tribunal has also examined the Applicant’s pending motion for production of documents and will address it in its judgment.

11. Finally, at this stage of the proceedings, the Tribunal considers itself sufficiently informed and is ready to adjudicate the case on the papers. However, before doing so, it would like to give the Respondent the opportunity to make any observations he may wish to make regarding the Applicant’s latest submissions. The Tribunal will also provide both parties with the opportunity to file their closing statements.

12. In light of the above,

IT IS ORDERED THAT:

13. The Applicant’s submissions of 5 June 2024 are admitted into the case file.

14. **By 4:00 p.m. on Monday, 17 February 2025**, the Applicant shall file his closing statement, which shall not exceed **five pages** (excluding the front page and the signature page) using font Times New Roman, font size 12 and 1.5 line spacing.

15. **By 4:00 p.m. on Monday, 3 March 2025**, the Respondent shall file his closing statement, which shall not exceed **eight pages** (excluding the front page and the signature page) using font Times New Roman, font size 12 and 1.5 line spacing. It may include the Respondent's comments on the Applicant's submissions of 5 June 2024 and the motion for production of documents dated 11 June 2024.

16. **By 4:00 p.m. on Monday, 17 March 2025**, the Applicant shall file any final observations he may have, which shall not exceed **three pages** (excluding the front page and the signature page) using font Times New Roman, font size 12 and 1.5 line spacing.

17. At this stage of the proceedings, no new pleadings or evidence will be allowed. The parties may only refer to evidence already on the case file.

18. Unless otherwise ordered, upon receipt of the above submissions or at the expiration of the deadline, the Tribunal will proceed to adjudicate the case and render its judgment.

(Signed)

Judge Francis Belle

Dated this 4th day of February 2025

Entered in the Register on this 4th day of February 2025

(Signed)

Isaac Endeley, Registrar, New York