



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/032
Order No.: 022 (NY/2025)
Date: 20 February 2025
Original: English

Before: Judge Solomon Areda Waktolla

Registry: New York

Registrar: Isaac Endeley

STOCKHOLDER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Jan Schrankel, UNHCR
Sally Jenna Sauer, UNHCR

Introduction

1. On 25 July 2024, the Applicant, a former staff member with UNHCR, filed an application contesting the “[d]ecision to not extend the Applicant’s [fixed-term appointment] for an additional five-year period or shorter”.

2. On 31 July 2024, the Respondent filed a motion for summary judgment, requesting that the Applicant’s application on the merits be summarily dismissed on receivability as it was filed two days after the deadline stipulated in art. 8.1(d)(i)(a) of the Dispute Tribunal’s Statute.

3. On 31 July 2024, the Applicant requested an order for interim measures during the proceedings seeking a suspension of the implementation of the non-renewal of his fixed-term appointment for another five-year or shorter period.

4. On 8 August 2024 the Respondent filed his response to the Applicant’s motion for interim measures in which he objected thereto.

5. On 3 September 2024, the Respondent filed his reply to the Applicant’s application on the merits. In his reply, the Respondent requested leave to exceed the 10-page limit in the Tribunal’s Practice Direction No. 4 on filing of applications and replies.

6. By Order No. 102 (NY/2024) dated 4 October 2024, the Duty Judge (a) rejected the Applicant’s 31 July 2024 motion for interim measures and (b) granted the Respondent’s 3 September 2024 motion to exceed the page limit. The Duty Judge left all other matters to be decided by the Judge to whom the case would be assigned.

7. On 27 January 2025, the case was assigned to the undersigned Judge.

Consideration

8. In the reply, the Respondent submits that the application is “not receivable

ratione temporis in accordance with Article 8.1 (d) (i) a. of the Tribunal's Statute". He argues that the application "was submitted after the expiry of the statutory 90-day deadline on 23 July 2024, and the Applicant did not request a waiver, suspension or an extension of the time limits for filing a late application by that date (or later)". For this reason, the Tribunal has "no jurisdiction to hear and pass judgment on the Application, which should be rejected as not receivable *ratione temporis*", referring to *Nikwigize* 2017-UNAT-731, paras. 17-20.

9. The Tribunal notes that the Applicant has not had an opportunity to respond to the Respondent's reply, including his claim of non-receivability. Also, since the facts as stipulated in the Respondent's 31 July 2024 motion for summary judgment may be disputable, the Tribunal will therefore allow the Applicant to file a rejoinder and will reject the summary judgment motion as per art. 9 of its Rules of Procedure.

10. In this regard, the Tribunal notes that the Applicant is self-represented and, in terms of the issue of receivability, therefore wants to draw his attention to the Appeals Tribunal's judgment in *Gelsei* 2020-UNAT-1035 and, in particular, paras. 20-23. Also, from the case file it follows that the Registry received the notification email of the filing of the application at 1:11 AM on 25 April 2024. Finally, it follows from art. 34 of the Tribunal's Rules of Procedure on calculation of time limits that,

The time limits prescribed in the rules of procedure:

- (a) Refer to calendar days and shall not include the day of the event from which the period runs;
- (b) Shall include the next working day of the Registry when the last day of the period is not a working day;
- (c) Shall be deemed to have been met if the documents in question were dispatched by reasonable means on the last day of the period.

11. As the case otherwise appears to be fully informed and neither of the parties has requested further evidence to be submitted, subsequent to the Applicant's rejoinder, the Tribunal will proceed to adjudicate the matters before it in the present case unless otherwise ordered.

12. In light of the above,

IT IS ORDERED THAT:

13. The Respondent's 31 July 2024 motion for summary judgment is rejected.

14. By **4:00 p.m. on Wednesday, 5 March 2025**, the Applicant is to file a rejoinder to the reply, also including his submissions on the receivability of the application. This rejoinder must be a maximum of seven pages, using font Times New Roman, font size 12 and 1.5 line spacing. Aside from the question of receivability, the rejoinder must solely be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage.

15. Unless otherwise ordered, upon receipt of the Applicant's rejoinder, the Tribunal will adjudicate on the matter and deliver Judgment based on the papers filed on record.

(Signed)

Judge Solomon Areda Waktolla

Dated this 20th day of February 2025

Entered in the Register on this 20th day of February 2025

(Signed)

Isaac Endeley, Registrar, New York