

588 (2024), Martin Akerman

UNAT Held or UNDT Pronouncements

The UNAT held that the staff member's motion for recusal of the UNAT Registrar had no merit. The UNAT noted that the decision to administratively close the case had been taken by the UNAT President and communicated to the parties as such by the UNAT Registrar in her letter. The UNAT found that it followed from the administrative closure of a case that parties no longer had the right to access the Court Case Management System under the case number in question. The UNAT held that the UNAT Registrar's decisions to reject as manifestly inadmissible the staff member's filings following the case closure were lawful. The UNAT found that as the UNAT Registrar had provided the staff member with the opportunity to challenge, by motion to the UNAT President, the Registrar's decision on his motion for reconsideration, there was no basis for the argument that the Registrar had bypassed judicial overview. The UNAT noted that the staff member's submissions to the UNAT bordered on the frivolous and were time-consuming and vexing to address, and warned him of potentially awarding costs against him. The UNAT denied the motion.

Decision Contested or Judgment/Order Appealed

The staff member filed a motion with the UNDT requesting to reopen his case. The UNDT Registry sent him an e-mail message, advising that he had the opportunity to file an application under a new case number. The staff member filed a motion for interim measures with the Appeals Tribunal, challenging the decision of the UNDT Registry to open a new case number instead of reopening the earlier case, and a motion for additional pleadings. The UNAT Registrar informed him that the President had instructed her to administratively close his case because the President had determined that it was not receivable. The staff member filed a motion objecting to the administrative closure of his case and requesting reconsideration of the closure decision, reinstatement of his filing access, and acceptance of his motion for additional pleadings. The UNAT Registrar rejected the request for reconsideration as

manifestly inadmissible. The staff member filed a motion seeking inter alia an extension of time of three additional days to challenge the UNAT Registrar's decision to reject as manifestly inadmissible his request for reconsideration of the administrative closure of the case and seeking leave to seek and proffer amicus curiae briefs from certain Member States. The UNAT Registrar rejected the motion as manifestly inadmissible. The staff member filed a motion to the UNAT President, requesting recusal of the UNAT Registrar.

Legal Principle(s)

Article 23 of the UNAT Rules of Procedure does not provide any basis for the recusal of the UNAT Registrar. The applicable legal framework does not provide for requests for reconsideration. Such applications constitute an abuse of litigation and the Organization's resources, waste of time and efforts for the other party, the Registry and the Tribunal itself. An e-mail from the UNDT Registry concerning the assignment of a case number is a decision of the UNDT Registry, pursuant to its authority under Article 21(3)(b) of the UNDT Rules of Procedure to establish a master Registry file for a case. This is not an interlocutory order of the Dispute Tribunal which could exceptionally be subject to an interlocutory appeal.

Outcome

Other motion denied

Full order

[Full order](#)

Individual Party

Martin Akerman

Entity

UNFPA

Case Number(s)

2024-1965

Tribunal

UNAT

Registry

New York

Date of Order

20 Dec 2024

President Judge

Judge Gao

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Challenge to Registrar's decision

Recusal

Judges

Applicable Law

UNAT Practice Direction No.1

UNAT RoP

- Article 23

UNAT Statute

- Article 9.2

UNDT RoP

- Article 21

Related Judgments and Orders

2011-UNAT-129