



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/011

Order No.: 009 (NY/2024)

Date: 25 January 2024

Original: English

Before: Duty Judge

Registry: New York

Registrar: Isaac Endeley

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR, UN Secretariat

Notice: This Order has been amended pursuant to Order No. 50 (GVA/2025).

Introduction

1. Via Order No. 081 (NY/2023) of 11 September 2023, the Tribunal instructed the Applicant to file a rejoinder to the Respondent's reply by 25 September 2023. The Tribunal also instructed both parties to indicate, by 11 October 2023, whether they wished to have a hearing in this case and, if so, to identify the witnesses they wished to call, setting out a written statement of each proposed witness's testimony.

2. On 18 September 2023, the Applicant filed a motion seeking an extension until 27 November 2023 for the filing of her rejoinder due to her personal circumstances. She attached a number of documents "under seal" in support of her claim.

3. Via email dated 19 September 2023, the Tribunal granted the Applicant an extension until 27 November 2023 to file her rejoinder. The Tribunal also granted both parties an extension until 13 December 2023 to indicate whether they wished to have a hearing in the case and to identify their witnesses.

4. On 22 November 2023, the Applicant filed another motion for an extension of the filing deadline for her rejoinder due to her personal circumstances. She indicated that by 27 January 2024, she "would normally be able to file the rejoinder, and thereafter, [her] views on evidence, including witness testimonies, and hearing". She again attached documents in support of her claim.

5. Via email dated 22 November 2023, the Tribunal granted the Applicant an extension until Monday, 29 January 2024 to file her rejoinder. The Tribunal also granted both parties a further extension until 19 February 2024 to state whether they wished to have a hearing and to identify their witnesses.

6. On 23 January 2024, the Applicant filed yet another motion seeking a further extension of the deadline for the submission of her rejoinder due to her personal circumstances. She also attached some documents in support of her request and stated that by 11 March 2024, she "would normally be able to file the rejoinder, and thereafter, [her] views on evidence, including witness testimonies, and hearing". (She refiled a virtually identical motion on 25 January 2025).

Considerations

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

8. The Tribunal has reviewed the supporting documents filed by the Applicant and understands that she is currently facing personal circumstances that may affect her ability to review court documents and prepare submissions as a self-represented Applicant. The Tribunal is also mindful of the Applicant's right of access to the internal system of justice. At the same time, the Tribunal cannot continue extending routine filing deadlines and delay the proceedings indefinitely. The Tribunal considers that the interests of justice, including those of both parties, oblige it to adjudicate the case as expeditiously as possible and use its limited resources most efficiently.

9. The Dispute Tribunal has on several occasions enunciated "a general principle of procedural law that the right to institute legal proceedings is predicated upon the condition that the person using this right has a legitimate interest in initiating and maintaining legal action. Access to the court has to be denied to those who are no longer interested in the proceedings they instituted". (*Saab-Mekkour* UNDT/2010/047, para. 6. See also *Bimo & Bimo* UNDT/2009/061, *Hastopali & Stiplasek* UNDT/2009/062; *Moussa* UNDT/2010/029; and *Zhang-Osmancevic* UNDT/2015/034).

10. In light of the above,

IT IS ORDERED THAT:

11. The Applicant's motion for a further extension of the deadline to file her rejoinder is granted.

12. By **4:00 p.m. on Monday, 11 March 2024**, the Applicant is to file a rejoinder to the Respondent's reply at a maximum of five pages, using Times New Roman font, at 12 points and 1.5 line spacing.

13. By **4:00 p.m. on Monday, 1 April 2024**, each party is to submit whether it wishes to have a hearing, and if so, state:

- a. The purported objective of the hearing; and/or
- b. The identity of the witness(es) the party wishes to call, and what disputed facts each of these witnesses is to give testimony about, also setting out a written summary of the proposed witness's testimony.

14. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.

(Signed)

Judge Joelle Adda

Dated this 25th day of January 2024

Entered in the Register on this 25th day of January 2024

(Signed)

Isaac Endeley, Registrar, New York