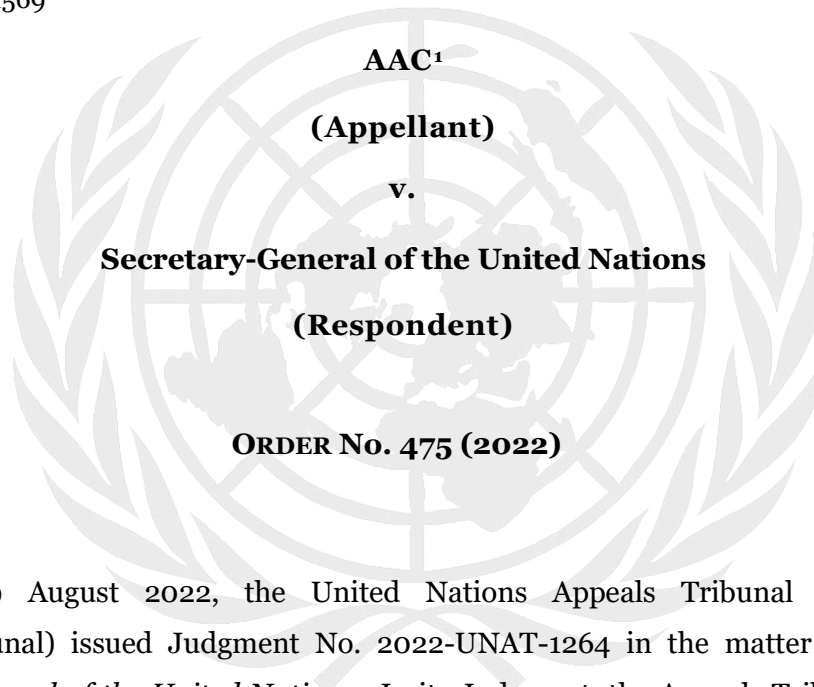




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1569



AAC¹

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 475 (2022)

1. On 19 August 2022, the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) issued Judgment No. 2022-UNAT-1264 in the matter of *AAC v. Secretary-General of the United Nations*. In its Judgment, the Appeals Tribunal made the following orders:²

i) the final determination of this appeal is postponed *sine die*; ii) the matter is remanded to the UNDT in terms of Article 2(4)(b) of the Statute of the UNAT for additional findings of fact as set out in the directions in this Judgment; iii) the UNDT is directed to do the additional fact finding and to serve copies of its written findings on the parties within 30 days of the issuance of this Judgment; iv) AAC may file with the UNAT any further submissions in relation to the additional findings within 10 days of receiving the findings of the UNDT; v) the Secretary-General may file with the UNAT any further submissions in relation to the additional findings within 5 days of the expiry of the time period in paragraph iv) of this order; and vi) the Registrar is directed to set the appeal down for final determination in the session of the UNAT scheduled for October 2022.

2. On 14 September 2022, the UNDT Registrar, through the UNAT Registry, brought to our attention that the UNDT Registry had only learned of our remand that same day and that the UNDT would therefore not be in a position to meet the 30-day deadline. Consequently, the appeal may not be scheduled for final determination in the UNAT 2022 fall session.

¹ This unique three-letter substitute for the party's name is used to anonymize the Order and bears no resemblance to the party's real name or other identifying characteristics.

² *AAC v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1264, para. 76.

3. In light of the circumstances, I find that it is in the interests of the proper administration of justice to allow the UNDT additional time to make the findings of fact as set out in Judgment No. 2022-UNAT-1264 and to reschedule the final determination of the case to the 2023 UNAT spring session.

I therefore DIRECT the UNDT to do the additional fact finding and to serve copies of its written findings on the parties in an expeditious manner. I further DIRECT the UNAT Registrar to set the appeal down for final determination in the session of the UNAT scheduled for March 2023. The parties shall be afforded the times in the original order to file their additional submissions, i.e. AAC may file with the UNAT any further submissions in relation to the additional findings within 10 days of receiving the findings of the UNDT, and the Secretary-General may file with the UNAT any further submissions in relation to the additional findings within five days of the expiry of the 10-day time limit for AAC to file further submissions.

Original and Authoritative Version: English

Dated this 16th day of September 2022
in Cape Town, South Africa.

(Signed)
Judge John Raymond Murphy,
Presiding

Published and entered in the Register on this 16th day
of September 2022 in New York, United States.

(Signed)
Katrin May Lueken,
Officer-in-Charge