



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1727

Leopold Camille Yodjeu Ntemde

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 493 (2022)

1. On 18 October 2022, the UNAT issued Order No. 479 (2022) declining Mr. Ntemde's application for interim orders pending the hearing and decision of his appeal against the UNDT Judgment issued on 7 September 2022. That UNDT Judgment declined relief on the grounds of non-receivability.
2. On 20 October 2022, Mr. Ntemde filed a second motion essentially seeking the same interim relief but attempting to provide more evidence of the urgency of and necessity for the orders. He again sought an order allowing him and his children to travel to New York, and for UN "Laissez Passer" documents to be issued to permit their travel and entry into the United States of America. This second motion was denied by Order No. 487 (2022) issued on 26 October 2022 on the grounds set out therein.
3. On 1 November 2022, Mr. Ntemde filed a third motion for interim measures. On 14 November 2022, the Secretary-General filed his comments opposing this Motion.
4. Although, following the earlier UNAT's refusal of this remedy, Mr. Ntemde has apparently abandoned his request for travel documents and other assistance to enable him and his children to travel to New York, he now seeks an oral hearing before all of the Judges of the Appeals Tribunal. It is unclear just what the purpose is of the in-person hearing that Mr. Ntemde seeks. Despite the voluminous but, at best, marginally relevant information that the Appellant has placed before the Tribunal, it is necessary to focus on the true nature of his substantive appeal, which is a challenge to the UNDT's Judgment

No. UNDT/2022/078. Although Mr. Ntemde has also purported to appeal against the UNDT's Order No. 074 (NY/2022) giving directions which led to the impugned Judgment and there may or may not be jurisdiction to appeal against this interlocutory Order, nevertheless it can be considered as part of the Appellant's substantive appeal. I will therefore assume that the request for an oral hearing is for an oral hearing of this substantive appeal.

5. Questions about oral hearings are governed, first, by the UNAT's Rules of Procedure and, in particular, Article 18 which is as follows:

The judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case.

The oral proceedings shall be held in public unless the judges hearing the case decide, on their own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be closed. If appropriate in the circumstances, the oral hearing may be held by electronic means.

6. Article 5 of the UNAT Statute on which Mr. Ntemde also relies, addresses the arrangements for party attendance at an oral hearing and arises for consideration only if an oral hearing is granted. Mr. Ntemde says that, in his personal circumstances, an electronic hearing cannot substitute for an oral hearing because he is vulnerable to "cybercrime".

7. I am not satisfied that an oral hearing will assist in the expeditious and fair disposal of the case. The nature of the appeal is such that it can very adequately and fairly be addressed on documents filed and considered by the Judges. Given the very extensive, gratuitously insulting, and irrelevant documents filed by Mr. Ntemde in support of his three motions, I am satisfied that the opposite effect would result from an oral hearing.

8. For completeness, I should advise Mr. Ntemde that it is very unlikely that his appeal will be heard by a full bench of the UNAT as he seems to ask for. Panels of three Judges are usually assigned to appeals of this sort. It will, however, be the decision of the then-President of the UNAT to determine the identities of the Judges to consider and decide his appeal.

9. For these reasons, this third Motion is refused and dismissed. I recommend Mr. Ntemde to take legal advice about his situation if the nature and effect of these three Orders are unclear to him. That is also because these Motions are frivolous and are now becoming vexatious.

10. I am advised that since Mr. Ntemde filed his third motion, he has also submitted an additional seven documents to the Registry (totaling more than a hundred pages) on 3, 13, and 15 November 2022. Mr. Ntemde should be on notice that if he persists in filing repetitive vexatious motions and/or unwarranted and irrelevant documents with this Tribunal, that he may face an award of costs against him for abuse of the appeals process, as provided for in Article 9(2) of the Appeals Tribunal Statute.

IT IS HEREBY ORDERED that Mr. Ntemde’s third “Motion for Interim Measures” pending proceedings is **DENIED**.

Original and Authoritative Version: English

Decision dated this 28th day of November 2022
in Auckland, New Zealand.

(Signed)
Judge Graeme Colgan,
President

Order published and entered in the Register on this
28th day November 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar