



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2022-1727 & 2022-1731

Leopold Camille Yodjeu Ntemde

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 520(2023)

1. On 7 September 2022, Mr. Yodjeu Ntemde (The Son of God) Leopold Camille filed an appeal of Judgment No. UNDT/2022/078, in which the United Nations Dispute Tribunal (UNDT) had dismissed his application as not receivable *ratione personae* because Mr. Ntemde was not a staff member of the United Nations, and not receivable *ratione materiae* because he had not identified the administrative decision that he wished to challenge.¹ This appeal was lodged as Case No. 2022-1727 with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).
2. Earlier, on 24 August 2022, Mr. Ntemde had filed an appeal of a case management order issued by the UNDT, namely, Order No. 074 (NY/2022) dated 8 August 2022, in which the UNDT had requested that Mr. Ntemde provide information demonstrating that he was a United Nations staff member. Mr. Ntemde had been advised that if he did not provide the requisite information to the UNDT, his case would be dismissed for want of prosecution. This appeal was lodged as Case No. 2022-1731 with the UNAT.
3. The UNAT subsequently issued three orders denying Mr. Ntemde's three motions for interim measures (Order No. 479 (2022), Order No. 487 (2022) and Order No. 493 (2022)).

¹ *Yodjeu Ntemde v. Secretary-General of the United Nations*, Judgment No. UNDT/2022/078, paras. 11-12 and 15-16.

4. On 5 December 2022, the UNAT issued Order No. 495, in which it denied Mr. Ntemde's motion challenging the decision of the Registrar to reject certain of his filings as manifestly inadmissible. In the latter order, the President gave Mr. Ntemde a final warning on filing irrelevant and scandalous documents or the Appeals Tribunal would award costs against him and prohibit him from filing further pleadings.

5. Notwithstanding this warning, Mr. Ntemde continued to file vexatious documents with the Registry, in which he demanded the recusal of the then President of the UNAT, Judge Colgan, and the undersigned current President of the UNAT.

6. On 7 December 2022, the UNAT issued Order No. 496, in which it denied the requests for recusal and stated in paragraph 6:

Given Mr. Ntemde's knowledge of the warnings contained in the previous Orders issued and his apparently deliberate ignoring of these by his immediate attempts to file further improper pleadings, I make an order that, pursuant to Article 9(2) of the Statute of the United Nations Appeals Tribunal, Mr. Ntemde pay costs of USD 300 and that unless and until that Order is complied with as detailed below, Mr. Ntemde's appeal be stayed and the Registrar is not to accept for filing any further pleadings or documents from Mr. Ntemde.

7. The UNAT ordered that payment was to be completed within "15 calendar days of the issuance" of Order No. 496, or by 22 December 2022.

8. In response to the Order, Mr. Ntemde filed complaints on 8 December 2022 against Judge Colgan, the Dispute Tribunal Judge, and the Registrar making rambling, incomprehensible, and potentially defamatory comments against them. He also stated that he would "not submit myself to your future order" and would "never pay the \$300".

9. On 16 December 2022, Mr. Ntemde confirmed again to the UNAT Registrar that he "would **NEVER** pay your NAZI ILLEGAL FEES of \$300".²

10. Mr. Ntemde did not submit the required payment to the UNAT Registry on 22 December 2022 as ordered, and he has not done so in more than six months since the issuance of Order No. 496.

² Emphasis in original.

11. In this time period, however, Mr. Ntemde has continued to upload more than 2,400 documents into the United Nations Court Case Management System, where these documents are irrelevant to the United Nations and/or constitute scurrilous personal attacks on numerous officials of the United Nations, as well as numerous officials of the executive and judicial branches of several countries.

12. The Appeals Tribunal has observed that for a party to be held in contempt of an order of the Tribunal, “the terms of the order alleged to have been breached must be precise and easily ascertainable by anyone who may be affected thereby”. In addition, we have stated that the “standard of proof of a contempt must be high”.³

13. I find that Order No. 496 (as set out above) was sufficiently clear and precise that Mr. Ntemde was to make a payment of USD 300 in favor of the United Nations no later than 22 December 2022 or the appeal would be stayed and no further pleadings or documents would be accepted.

14. I further find that proof of Mr. Ntemde’s contempt of the Appeals Tribunal and its orders is evidenced in both his failure to proffer payment over the past six months, and his express statements that he will neither pay the USD 300 nor will he submit to any “future order” of the Appeals Tribunal.

15. The Appeals Tribunal has not had to deal with a similar situation where an appellant has conducted themselves in this manner. In *Mathieu Mukeba Wa Mukeba*, the Appeals Tribunal held that an application before the UNDT may be properly dismissed for want of prosecution, where the applicant “has failed to meet his obligations” to the UNDT.⁴ In the present case, the payment by Mr. Ntemde of the USD 300 was a pre-condition or obligation for the lifting of the stay on Mr. Ntemde’s pending appeals. His refusal to do so thus constitutes a failure to take the necessary steps to prosecute his case as ordered.

16. The Appeals Tribunal has noted that a tribunal’s decision to dismiss a case for want of prosecution should be taken with care. In *Mukeba*, the Appeals Tribunal observed that factors to consider were whether “sufficient time” had been allowed for the individual to

³ *AAE v. Secretary-General of the United Nations*, Order No. 471 (2022), para. 9.

⁴ *Mathieu Mukeba Wa Mukeba v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1080, para. 34.

comply, and whether there was a “high level of certainty of receipt of communications”⁵ from the tribunal to the staff member.

17. Applying the foregoing criteria to the present case, I find that six months has been more than sufficient time for Mr. Ntemde to comply with Order No. 496, and there is no uncertainty as to his receipt of the UNAT’s communications, or his refusal to comply as expressed multiple times in his writings.

18. In summary, Mr. Ntemde has failed to comply with the terms of Order No. 496 by the non-payment of USD 300 by 22 December 2022. Over the last six months, he has refused to meet his obligations as ordered to allow his appeal to proceed. However, we have previously stated that we need to proceed “with care” when dismissing a case in this instance. Therefore, I find that it is fair and expeditious, pursuant to Article 18bis(1) of the UNAT Rules of Procedure to order Mr. Ntemde to comply with Order No. 496 and submit a cheque made out to the United Nations in the amount of USD 300 to be sent to the Registry of the UNAT, at DC2-2408, 2 United Nations Plaza, New York, NY 10017, no later than 14 days from the date of this Order.

19. If the USD 300 is not paid by Mr. Ntemde pursuant to this Order, the Appeals Tribunal will, with no further notice to the parties, dismiss Mr. Ntemde’s appeals for want of prosecution and permanently terminate Mr. Ntemde’s access to the United Nations Court Case Management System.

IT IS HEREBY ORDERED that Mr. Ntemde must submit a cheque in favor of the United Nations in the amount of USD 300 to the Registry of the UNAT within 14 days of this Order; and failure to do so will result in the dismissal of his pending appeals and termination of his access to the United Nations Court Case Management System.

⁵ *Ibid.*, concurring opinion, para. 2.

Original and Authoritative Version: English

Decision dated this 13th day of June 2023 in
Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
13th day of June 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar