



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. 523 (2023)

1. The United Nations Appeals Tribunal (UNAT or Appeals Tribunal) is seized of two appeals by Mr. Leopold Camille Yodjeu Ntemde. The first appeal challenges a case management Order No. 074 (NY/2022) issued by the United Nations Dispute Tribunal (UNDT) on 8 August 2022, in which the UNDT had requested that Mr. Ntemde provide information demonstrating that he was a United Nations staff member, this appeal was lodged as Case No. 2022-1731 with the UNAT (impugned Order).
2. The second appeal challenges Judgment No. UNDT/2022/078 issued by the UNDT in the same case on 7 September 2022, in which the UNDT dismissed Mr. Ntemde's application as not receivable *ratione personae* because he 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. This appeal was lodged as Case No. 2022-1727 with the UNAT (impugned Judgment).
3. The events relevant to the present order may be summarized as follows.
4. On 15 July 2022, Mr. Ntemde filed an application with the UNDT. Therein, he provided no information on his employment status. By e-mail of the same date, the UNDT Registry instructed him that "[i]n order to correctly process your application, please provide further details about your current employment with the United Nations, including your current position, department and your [United Nations] index number".

Notwithstanding repeated requests, Mr. Ntemde did not file any response to the instructions. Accordingly, on 8 August 2022, the UNDT issued the impugned Order, noting that it was necessary for it to receive information on: (a) what exact administrative decision Mr. Ntemde sought to challenge; and (b) what his employment status was with the United Nations, or how he otherwise satisfied the prerequisites of Article 3 of the Dispute Tribunal’s Statute for legal standing. The UNDT warned that if he failed to provide this information, the UNDT would dismiss the application for want of prosecution.

5. On 10 August 2022, Mr. Ntemde filed a response to the impugned Order and on 12, 15, 16, 18, 22 and 23 August and 1, 2, 6 and 7 September 2022, filed some additional submissions.

6. On 7 September 2022, the UNDT issued the impugned Judgment finding that none of Mr. Ntemde’s additional submissions were of any relevance and none responded to the questions asked in the impugned Order.

7. Accordingly, the impugned Judgment is the final judgment on receivability, following Mr. Ntemde’s failure to satisfy the requests in the impugned Order. These are thus inter-related appeals.

8. We note also that the UNAT has consistently issued Orders jointly in both of Mr. Ntemde’s cases. See UNAT Orders No. 495, 496, and 520.

9. Pursuant to Article 18*bis*(1) of the Appeals Tribunal Rules of Procedure: “[t]he President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”.

Consolidation

10. As noted, the impugned Order was issued in the proceedings before the UNDT that led to the issuance of the impugned Judgment. Thus, I find that it is appropriate for the fair and expeditious management of the cases and to do justice to the parties to consider both appeals together. I therefore direct that these cases be consolidated for hearing and judgment.

Additional submissions/pleadings

11. Further to the Appeals Tribunal Order No. 520 (2023), Mr. Ntemde provided the sum of USD 300 in compliance with the terms of that Order. His transmittal was received by the Registry on 27 June 2023. Therefore, the appeals shall proceed to adjudication in the next session of the Appeals Tribunal.

12. However, as explained in Order No. 520, since 7 December 2022 and the original Order No. 496 (2022) instructing that the payment of USD 300 should be made, Mr. Ntemde uploaded more than 2,400 documents into the United Nations Court Case Management System, consisting of documents that are irrelevant to the appeals and/or the United Nations and/or constitute personal and unreasonable attacks on numerous officials of the United Nations, as well as numerous officials of the executive and judicial branches of several countries. Since 13 June 2023, the date of Order No. 520, Mr. Ntemde continued to submit to the Registry approximately 250 additional documents of similar ilk and shows no sign of ceasing this activity. The volume and nature of these filings constitute an abuse of process and of the United Nations Court Case Management System.

13. Therefore, the Appeals Tribunal will not accept the materials filed since 7 December 2022 (the date of Order No. 496) and during the period of his non-compliance of that Order, i.e., until 27 June 2023. Moreover, given the demonstrated history of extreme filings of Mr. Ntemde, often submitting 5 or more irrelevant documents per day, it is impractical and burdensome to the Registry for these to be addressed on an individual basis. Accordingly, for the purpose of fair and expeditious management of his appeals, the Registry will not accept, and the Appeals Tribunal will not consider, any materials or submissions from Mr. Ntemde filed from 27 June 2023 onwards. However, if Mr. Ntemde can demonstrate exceptional circumstances, Mr. Ntemde may make one final filing of relevant material (not to exceed 15 pages), on, and only on, 15 September 2023, which if accepted, will be addressed in the Appeals Tribunal's final judgment in his pending appeals.

IT IS HEREBY ORDERED that the appeals filed in Case Nos. 2022-1727 and 2022-1731 be consolidated for all purposes; that none of Mr. Ntemde’s submissions from 7 December 2022 to the present will be considered and no further filings will be accepted by the Appeals Tribunal pursuant to the terms set out in paragraph 13 of this Order.

Original and Authoritative Version: English

Decision dated this 12th day of July 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
12th day of July 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar