



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2022-1727, 2022-1731 & 2023-1829

Leopold Camille Yodjeu Ntemde

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 526 (2023)

1. On 21 July 2023, Mr. Leopold Camille Yodjeu Ntemde filed an appeal of Judgment No. UNDT/2023/073 issued by the Nairobi seat of the United Nations Dispute Tribunal (UNDT/Nairobi). In the latter Judgment, UNDT/Nairobi 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 the issue had already been litigated, constituting *res judicata*, and because he did not request management evaluation in time. This appeal has been lodged as Case No. 2023-1829 with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).
2. Already pending before the Appeals Tribunal are Mr. Ntemde's appeals in Case Nos. 2022-1731 and 2022-1727, appeals of a judgment and order issued by the New York seat of the UNDT (UNDT/NY), which have been consolidated for hearing pursuant to this Tribunal's Order No. 523 (2023).
3. The Appeals Tribunal takes notice that Mr. Ntemde's third appeal in Case No. 2022-1829 has substantial overlap in terms of the facts and issues in the consolidated Case Nos. 2022-1727 and 2022-1731.
4. In Judgment No. UNDT/2023/073, the UNDT/Nairobi noted that Mr. Ntemde claimed "to be a staff member of DOS effective 8 October 2021". UNDT/Nairobi found that the UNDT/NY had "previously rejected his application contesting the same claims" in

Judgment No. UNDT/2022/078, which is the case underlying Mr. Ntemde’s consolidated appeals before the UNAT.

5. In Judgment No. UNDT/2023/073, the UNDT/Nairobi further observed that the UNDT/NY had previously determined that Mr. Ntemde “was not a staff member and had no legal standing before” the Dispute Tribunal. Because this issue had already been litigated by the UNDT/NY, the UNDT/Nairobi held that it could not be relitigated as a matter of *res judicata*.

6. Pursuant to Article 18bis(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”.

7. Based on the foregoing, it is evident that there is substantial overlap in the facts and issues of Case Nos. 2023-1829, 2022-1727 and 2022-1731. Accordingly, I have determined that it would be expeditious to hear and decide all three cases in one judgment. I therefore direct that Case No. 2023-1829 be consolidated with Case Nos. 2022-1727 and 2022-1731, for hearing and judgment.¹

8. As a consequence of this consolidation, Order No. 523 (2023) extends to Case No. 2023-1829. For the avoidance of doubt, the order that the Registry shall not accept any submissions from Mr. Ntemde, other than, if exceptional circumstances are demonstrated, a final filing on 15 September 2023, is in effect for all three cases. *See* Order No. 523, paragraph 13.

9. These consolidated appeals are scheduled for decision at the Fall Session of the Appeals Tribunal. Pursuant to Article 9(3) of the Appeals Tribunal Rules of Procedure (Rules), the Secretary-General as the Respondent would normally be afforded 60 days to file his answer to Mr. Ntemde’s appeal in Case No. 2023-1829. However, Article 30 of the

¹Although not dispositive to my decision, Mr. Ntemde routinely files the same or substantially similar documents in all three pending appeals, thereby indicating that he too considers these cases as interrelated.

Rules also grants the authority to the President to “shorten or extend a time limit fixed by the rules of procedure (...) when the interests of justice so require”. In order to decide the consolidated appeals in the Fall Session, I find that it is in the interests of justice to shorten the time limit for the Secretary-General to submit his answer to the appeal in Case No. 2023-1829 (and any other filings² from Mr. Ntemde) by no later than on 22 September 2023.

IT IS HEREBY ORDERED that the appeals filed in Case Nos. 2022-1727, 2022-1731 and 2023-1829 be consolidated for all purposes; that the Secretary-General is advised to submit its answer to the appeals and any other permitted filing from Mr. Ntemde on 22 September 2023 at the latest; and that the terms of Order No. 523 apply to all three consolidated cases.

Original and Authoritative Version: English

Decision dated this 31st day of July 2023
in New York, United States.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
31st day of July 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar

² See paragraph 8 of this Order.