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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2023-1855

**Louis Savadogo**

**(Appellant)**

**v.**

**Registrar**

**of the International Tribunal for the Law of the Sea**

**(Respondent)**

**Order No. 536 (2023)**

1. On 19 June 2023, the Joint Appeals Board (JAB) of the International Tribunal for the Law of the Sea (ITLOS) adopted a Decision in Case No. ITLOS/JAB/2022/9, whereby the JAB concluded that Mr. Savadogo had not proven that his candidacy had not been given full and fair consideration. The JAB found that he was not entitled to compensation in this respect but that his due process rights had not been fully respected. The JAB rejected all other pleas. The JAB decided to award him an amount of USD 2,000 to compensate for moral damage.

2. On 14 September 2023, Mr. Savadogo filed an appeal of the JAB Decision with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT). As the appeal did not conform to the page limit and format requirements, the UNAT Registry granted him ten days to correct his appeal.

3. On 26 September 2023, Mr. Savadogo filed a motion to increase the page limit for his appeal from the statutory 15 pages to 18 pages and refiled his appeal brief consisting of 18 pages. He states that he is seeking the page limit increase due to the complex procedural history of the case which was remanded to the JAB and was in the meantime subject to his application for execution of a prior UNAT Judgment. Mr. Savadogo notes that he has fully detailed the procedural history in the appeal brief. He submits that the contested decision in this case, informing him that his application for the post of Head of Legal Office/Senior Legal Officer, P-5, failed and that the position was offered to another candidate, dates back to 7 February 2019. He mentions that following the internal grievance process, the JAB issued its recommendations on 10 December 2020, which

were conveyed to him, together with the ITLOS Registrar’s original decision, on 29 December 2020. He states that he filed an appeal of the ITLOS Registrar’s 29 December 2020 original decision with the Appeals Tribunal and it was registered as Case No. 2021-1537. Mr. Savadogo points out that in Judgment No. 2022-UNAT-1189 dated 18 March 2022, the Appeals Tribunal remanded that case to the JAB.<sup>1</sup> He states that on 30 June 2022, he filed an application for execution of Judgment 2022-UNAT-1189 and it was registered as Case No. 2022-1707. He notes that in Judgment No. 2023-UNAT-1337, issued on 2 May 2023, the Appeals Tribunal dismissed the application for execution of Judgment No. 2022-UNAT-1189, however it directed “that the ITLOS JAB is to decide Mr. Savadogo’s case remanded to it in our Judgment No. 2022-UNAT-1189 within three calendar months of receipt by the parties and by the ITLOS JAB of this Judgment”. Mr. Savadogo submits that in order to detail the interplay of the above-mentioned cases vis-à-vis the current appeal and the consequences on the merits, an additional three pages for the appeal brief would be reasonable.

4. On 6 October 2023, the ITLOS Registrar filed comments on the motion. The ITLOS Registrar notes that a waiver of the maximum page limit for written pleadings may be granted only in exceptional circumstances and, even in light of exceptional legal issues, the Appeals Tribunal has granted a moderate extension to 17 pages, including at the request of Mr. Savadogo in a prior proceeding.<sup>2</sup> The ITLOS Registrar argues that Mr. Savadogo has not provided sufficient reasons to demonstrate that exceptional circumstances justify an increase; and the current case does not present issues of particular complexity requiring to dwell at length on procedural matters. Should Mr. Savadogo’s motion be granted, the ITLOS Registrar does not oppose a page limit increase, provided that the same increase is granted for the ITLOS Registrar’s answer brief.

5. Article 8(2)(a) of the Rules of Procedure of the Appeals Tribunal (Rules) limits the length of appellate briefs to 15 pages. Article 9(2)(a) of the Rules sets out the same page limit for answers. Under Article 14 of the Rules, the President of UNAT may waive the

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<sup>1</sup> More accurately, the Appeals Tribunal, in that Judgment, issued on 5 April 2022, declined to receive the appeal and remitted the case to the JAB for decision by the JAB as a neutral decision-maker.

<sup>2</sup> The Registrar of ITLOS refers to UNAT Order No. 433 (2021) in *Reilly v. Secretary-General of the United Nations* and UNAT Order No. 445 (2022) in *Savadogo v. Registrar of the International Tribunal for the Law of the Sea*.

requirements of any article of the Rules dealing with written proceedings if the waiver does not affect the substance of the case before the Appeals Tribunal.

6. The Appeals Tribunal grants the motion to extend the page limit on Mr. Savadogo's appeal brief to permit the filing of an 18-page brief on the basis that the extension is warranted given the complex procedural history in the appeal. If the Respondent requires a corresponding extension to the page limit (i.e. to 18 pages) that is also peremptorily granted.

**IT IS HEREBY ORDERED** that Mr. Savadogo's 26 September 2023 motion to increase the page limit of the appeal brief is **GRANTED**.

Original and Authoritative Version: English

Decision dated this 18<sup>th</sup> day of October 2023  
in New York, United States

*(Signed)*  
Judge Kanwaldeep Sandhu,  
President

Order entered and published in the Register on this  
18<sup>th</sup> day of October 2023 in New York, United States.

*(Signed)*  
Juliet E. Johnson,  
Registrar