



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1855



Louis Savadogo

(Appellant)

v.

Registrar

of the International Tribunal

for the Law of the Sea

(Respondent)

ORDER No. 558 (2024)

1. On 26 September 2023, Mr. Louis Savadogo filed an appeal of Decision No. ITLOS/JAB/2022/9 rendered by the Joint Appeals Board of the International Tribunal for the Law of the Sea (JAB and ITLOS, respectively). This appeal was lodged as Case No. 2023-1855 with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).

2. In the appeal form and appeal brief, Mr. Savadogo requests that the UNAT order the ITLOS Registrar (Registrar) to disclose two documents in connection with the selection process for the position of P-5 Senior Legal Officer/Head of Legal Office of ITLOS. The evidence sought is: (1) the evaluations of the university degrees of the shortlisted candidates and (2) minutes of the evaluations of the shortlisted candidates and their comparison against the objective criteria of the vacancy announcement. There is a question as to whether any such evaluations or minutes do in fact exist.

3. The Registrar opposes this disclosure in his answer, which was filed on 15 December 2023.

4. Article 2(5) of the Appeals Tribunal's Statute (Statute) reads: "In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be

established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings.”

5. Requests for production of additional evidence should be made by the filing of a motion for additional evidence. Mr. Savadogo and his counsel are aware of this procedure, as this is not the first time that requests for evidence were embedded in his appeal rather than presented by separate motion. See Order No. 500 (2022).¹

6. Nonetheless, given that Case No. 2023-1855 has been added to the docket of the Summer Session of the Appeals Tribunal, in the interest of justice and the efficient and expeditious resolution of the appeal, I am making the following directions.

7. Within seven days of the issuance of this Order, the Registrar is to advise whether or not the evidence requested (as described in paragraph 2) exists; and if in the affirmative, either produce said evidence or file his objections to the production in a brief of no longer than two pages. If the Registrar submits that said evidence does not exist or if he objects to its production, then Mr. Savadogo will have seven days to respond to the Registrar’s brief, in a brief of no more than two pages, whereupon a decision will be made as to its production.

8. Depending on the outcome of the foregoing directions, the parties should expect to be tightly timetabled to submissions about any documents produced, so that they may be considered with the appeal at the Summer Session that begins on 17 June 2024.

IT IS HEREBY ORDERED accordingly.

¹ *Louis Savadogo v. Registrar of the International Tribunal for the Law of the Sea*, Order No. 500 (2022), para. 4 (directing Mr. Savadogo to file a separate motion for production of evidence).

Original and Authoritative Version: English

Decision dated this 10th day of May 2024 in Auckland,
New Zealand

(Signed)
Judge Graeme Colgan
Presiding Judge

Order published and entered in the Register on this
10th day of May 2024 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar