



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

SCANLON

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER  
ON CASE MANAGEMENT**

---

**Counsel for Applicant:**

Sètondji Roland Adjovi, Etudes Vihodé Ltée  
Anthony Kreil Wilson, Etudes Vihodé Ltée

**Counsel for Respondent:**

Jonathan Croft, UN Secretariat

## **Introduction**

1. On 4 September 2022, the Applicant, a former staff member of the United Nations Environment Programme (“UNEP”), filed an application contesting the decision to impose on him the disciplinary measure of a fine equivalent to six months’ net base salary.
2. On 24 October 2022, the Respondent filed his reply.
3. On 1 September 2023, a case management discussion (“CMD”) took place with the presence of the Applicant and Counsel for the Respondent.
4. On 11 September 2023, the Applicant filed a motion for leave to amend his initial application. A day later, the Respondent filed his response to it, and on 13 September 2023, the Applicant filed a motion for leave to respond to the Respondent’s submission.

## **Consideration**

5. In his motion, the Applicant states that he filed his application *pro se* and that he only “engaged external legal assistance” after the CMD. He also indicates that he seeks leave to file an amended application “to better focus the Tribunal’s attention on the core issues in the instant case” and requests two weeks to “perfect and submit” the amended application.
6. The Respondent objected to the motion arguing that the Applicant had not presented an exceptional case justifying an effective suspension or waiver of time limits to permit amending his application.
7. While the Tribunal understands that there may be circumstances in which an Applicant may need to amend his application at a late stage in the proceedings, such a request must be justified and can only be granted in exceptional circumstances and following a review of the merits of each request.

8. However, in general, an application may only be amended prior to the filing of the reply to allow the Respondent to properly consider the merits of the application in his reply. At the latest, an amendment of the application may exceptionally be allowed prior to the holding of a CMD, as this is the step in which the legal issues are defined for the adjudication of the case.

9. In any event, no substantive amendments to the application should be allowed once the case has entered the adjudication phase as this would require additional pleadings to address new issues and/or arguments, which would delay the process.

10. In his motion, the Applicant does not indicate any exceptional circumstances justifying the amendment of his application at this stage of the proceedings. The fact that he was self-represented when he filed his application and only retained Counsel following the CMD does not warrant, in the Tribunal's view, an amendment of his initial application at this stage.

11. In preparation for the CMD, the Tribunal reviewed the case file and does not find it necessary to receive an amended application to "better focus [its] attention on the core issues in the instant case" as the Applicant indicates. Therefore, the Applicant's motion stands to be rejected.

### **Conclusion**

12. In view of the foregoing, it is ORDERED THAT the Applicant's motion for leave to amend his application is rejected.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 26<sup>th</sup> day of September 2023

Entered in the Register on this 26<sup>th</sup> day of September 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva