



Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ONIFADE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON APPLICANT'S MOTION
FOR LEAVE TO RESPOND TO
REPLY**

Counsel for the Applicant:

Monika Bileris

Counsel for the Respondent:

Susan Maddox, ALS/OHRM

Kevin Browning, ALS/OHRM

Introduction

1. The Applicant is a former staff member of the United Nations Mission in South Sudan (UNMISS). He filed an Application on 11 September 2014 challenging the decision by the Under-Secretary-General for Management to separate him from service following disciplinary proceedings against him.
2. The Respondent submitted a Reply on 15 October 2014.
3. On 17 October 2014, the Applicant filed a “Request to File a Response to the Respondent’s Reply” (Motion for leave to respond) in order to “address arguments and inaccuracies” contained in the Reply and in order to provide the Tribunal with a “full and complete understanding of the case”.

Considerations

4. Under article 19 of the Rules of Procedure the Tribunal “may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.” Additionally, article 36.1 of the Rules of Procedure provides that:

All matters that are not expressly provided for in the rules of procedure shall be dealt with by decision of the Dispute Tribunal on the particular case, by virtue of the powers conferred on it by article 7 of its statute.

5. Neither the Statute nor the Rules of Procedure of the Dispute Tribunal specifically provide for any other filings apart from an application and a reply. Based on articles 19 and 36.1 of the Rules of Procedure the possibility exists for a party to file other submissions in addition to the application or the reply and to make additional submissions subsequent to a hearing. However, this possibility exists where the Tribunal orders such submissions or a party has sought leave of the Tribunal to do so and the Tribunal has granted said leave for the party to proceed.

6. In the present matter, the Applicant has formally sought leave of the Tribunal to submit a response to the Respondent's Reply. While the Tribunal considers that a hearing would be the best forum for the Applicant to "address arguments and inaccuracies", it is minded to grant the Applicant's Motion to allow him to provide a comprehensive picture to the Tribunal.

In light of the foregoing,

It is hereby ORDERED that:

7. Pursuant to articles 19 and 36.1 of the UNDT Rules of Procedure, the Applicant's Motion for leave to respond to the Respondent's Reply is granted.

8. The Applicant is to submit to the Registry in Nairobi, via the e-filing portal (CCMS), **no later than 25 March 2015**, his response to the Respondent's Reply. The Applicant is to ensure that his submission does not exceed three pages (excluding the cover page).

(Signed)

Judge Vinod Boolell

Dated this 4th day of March 2015

Entered in the Register on this 4th day of March 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi