



Before: Judge Agnieszka Klonowiecka-Milart
Registry: Nairobi
Registrar: Abena Kwakye-Berko

BASSEY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION FOR COMPLIANCE WITH
UNDT PRACTICE DIRECTION NO.4**

Counsel for the Applicant:
Sètondji Roland Adjovi

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR
Rosangela Adamo, AAS/ALD/OHR

Introduction

1. By application filed on 11 August 2020, the Applicant, a Security Officer (FS-5), working with United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, challenges the decision not to renew his fixed-term appointment beyond 30 June 2020.

2. The application was served on the Respondent on 18 August 2020 and he has until 17 September 2020 to submit a reply.

3. By motion filed on 27 August 2020, the Respondent requests an order from the Tribunal directing the Applicant to file an application that complies with paragraph 6 of Practice Direction No. 4 (Filing of Applications and Replies). The Respondent also requests the Tribunal to re-set the deadline for him to file a reply to 30 days from the service of a conforming application.

4. On 27 August 2020, Tribunal availed the motion to the Applicant, directing him to provide his observations, if any, by 1 September 2020. The Applicant complied and filed his observations on 29 August 2020.

Considerations

5. Paragraph 6 of UNDT Practice Direction No. 4 stipulates that the “application should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines”.

6. The current application contains 19 pages and the Applicant has supplemented the application with voluminous annexes.

7. The Respondent takes issue with the fact that the Applicant did not respect the page limit set forth in Practice Direction No. 4, did not seek leave to exceed the pages, nor did he provide any justification for non-compliance.

8. The Applicant submits that his case is long and complex, it has involved numerous decisions taken and rescinded by the Administration during the Comparative Review Process. Further, the application includes the facts presented in the management evaluation request so as to ease the understanding of both the Respondent and the Judge without needing to look at previous and other submissions. The Applicant explains further that the application contains a motion for production of evidence. Whereas he could have filed this as a separate motion, but for the ease of understanding and for judicial economy, he included in the application. He contends that the Respondent's motives in submitting this motion are to intentionally delay the proceedings in the case.

9. The Tribunal reiterates that applicants must comply with the assigned page limits. This said, given that the application has already been served on the Respondent who has had an opportunity to study its content since 18 August 2020, the Tribunal sees no interest to be served by obligating the Applicant to re-write it. As concerns the Respondent's motion to have the deadline for a reply re-set, the Tribunal considers that it will be more rational for the Respondent, should he find that for any reason he cannot meet the original deadline, to seek an extension of time.

ORDER

10. The Respondent's motion is refused.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 31st day of August 2020

Entered in the Register on this 31st day of August 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi