



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

TIBAGWA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION FOR LEAVE TO EXCEED
THE PAGE LIMIT FOR A REPLY**

Counsel for the Applicant:
Edward Patrick Flaherty

Counsel for the Respondent:
Marisa Maclellan, UNHCR

Introduction

1. The Applicant is a staff member of the United Nations High Commissioner for Refugees (“UNHCR”). He filed an application on 15 August 2020 to contest: (i) the decision by the Inspector General’s Office to continue to conduct an investigation while he was on certified sick leave; and (ii) the decision by the Department of Human Resources to refuse to empanel a medical board to determine his fitness to respond to the allegations of misconduct.

2. The Respondent filed a motion on 11 September 2020 seeking leave to exceed the 10-page limit for replies as set out in the Tribunal’s Practice Direction No. 4. The Respondent filed an advance copy of his reply, which is 25 pages long, with his motion. The Respondent submits that the additional 15 pages are necessary because the application fails to address the underlying facts of the misconduct, the investigation report and the disciplinary process. The Respondent submits that the additional facts and analysis provided in the reply will assist the Tribunal to efficiently and effectively address the issues in this case.

3. In light of the nature of the allegations against the Applicant, the Tribunal agrees that the additional facts and analysis in the Respondent’s reply will facilitate its proceedings.

ORDERS

4. The Tribunal grants the Respondent’s motion of 11 September 2020 and admits the 25-page reply filed by the Respondent into the case record.

5. The Applicant shall have until 12 October 2020 to file a response to the reply.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 14th day of September 2020

Entered in the Register on this 14th day of September 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi