



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/100
Order No.: 257 (NBI/2021)
Date: 7 December 2021
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KAZAZI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé*

Counsel for the Respondent:

Jacob B. van de Velden, AAS/ALD/OHR, UN Secretariat

Andrea Ernst, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant filed a 38-page application on 26 November 2021 to contest the decision by the Under-Secretary-General for Management Strategy, Policy and Compliance to impose on him, *inter alia*, the disciplinary measure of separation from service with compensation in lieu of notice and without termination indemnity, in accordance with staff rule 10.2(a)(viii).

2. By Order No. 255 (NBI/2021), the Tribunal directed the Applicant to submit an application that is limited to 10 pages, in accordance with paragraph 6 of the Tribunal's Practice Direction No. 4.

3. On 6 December 2021, Counsel for the Applicant filed a 12-page application (cover, personal and legal representation details and signature pages included) with supporting annexes.

4. The same day, the Respondent filed a motion protesting Counsel for the Applicant's "non-compliance" with Order No. 255. The Respondent submits that Counsel for the Applicant is trying to circumvent the directive at paragraph 3 of Order No. 255 by transferring his submissions from the 38-page application to annexes 1, 6 and 7, which brings the submissions to a total of 54 pages. The Respondent requests that the Tribunal: (i) take appropriate measures in view of the Applicant's non-compliance with Order No. 255 to ensure that the Respondent can efficiently prepare his reply; and (ii) order suspension of the 7 January 2022 deadline for filing a reply.

5. On 7 December 2021, Counsel for the Applicant, without seeking leave from the Tribunal, filed a response to the Respondent's motion.

Considerations

6. Contrary to the Respondent's assertion, the Applicant has complied with Order No. 255 by submitting an application that is limited to 10 pages. The Tribunal is of the considered view that the amended application contains the information required for the

Respondent to efficiently prepare his reply. Hence, annexes 1, 6 and 7 do not impede him from drafting a reply within the stipulated deadline.

7. The Tribunal is, however, concerned that Counsel for the Applicant failed to show due deference to the Tribunal by filing a response without being invited or first seeking leave to do so. The Tribunal takes this opportunity to remind Counsel to exercise better restraint during these proceedings.

ORDERS

8. The Respondent's motion of 6 December 2021 is rejected.

9. The Respondent shall file a reply to the amended reply on or before 7 January 2022.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 7th day of December 2021

Entered in the Register on this 7th day of December 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi