



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/123

Order No.: 166 (NBI/2023)

Date: 2 November 2023

Original: English

Before: Judge Sean Wallace
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

TERRINE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Stéphanie Zurawski

Counsel for the Respondent:

Charlotte Servant-l'Heureux, UNHCR

Jan Schrankel, UNHCR

Introduction

1. By Order No.159 (NBI/2023) dated 16 October 2023, the Tribunal granted the Respondent's motion for leave to respond to the Applicant's submissions of 3 August 2023 and directed the Applicant to submit, if she deemed it necessary, a further response on or before 24 November 2023.
2. On 23 October 2023, the Respondent filed his response to the Applicant's submissions of 3 August 2023.
3. On 24 October 2023, the Applicant filed a motion requesting the translation into French of all the documents filed by the Respondent and a deadline of two months and 21 days to respond, to be counted from the receipt of the translated documents.
4. On 30 October 2023, the Respondent submitted his comments to the Applicant's motion of 24 October 2023 contending that further translations would cause unnecessary cost to the Organization and would delay the proceedings.

Consideration

5. As noted in Order No. 159 (NBI/2023), it appears from the record that both the Applicant and her Counsel are fluent in English and thus that translations into French were unnecessary and resulted in the Applicant having much more time to respond to filings than contemplated by the Rules of Procedure. Nonetheless, the Applicant has again requested that translation be prepared and that her time to respond run from the receipt of those translations.
6. The Tribunal observes that the delays caused by the Applicant's serial requests for translations ultimately harm only the Applicant herself by delaying adjudication of her case. This notwithstanding, the Tribunal will grant the request that the Respondent's 23 October 2023 submissions be translated into French.

7. With regard to the cost of these translations, the Applicant (and her Counsel) is directed to Article 10, paragraph 6 of the Dispute Tribunal Statute which provides “[w]here the Dispute Tribunal determines that a party has manifestly abused the proceedings before it, it may award costs against that party.”

8. The Applicant also requested to be granted the same amount of time taken by the Respondent to reply to her submissions of 3 August 2023, namely two months and 21 days to submit a response. Order No. 159 (NBI/2023) also noted that “tit for tat” requests (“they had X days or X pages to respond, so I want the same”) are not what justice is about and are not looked upon favorably. Accordingly, the request for two months and 21 days to file a further reply will be denied.

9. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant’s motion for translation into French of all the documents filed by the Respondent in his 23 October 2023 submission is granted;
- b. The Applicant’s request that her deadline for responding be set at two months and 21 days after receipt of the translations is denied; and
- c. The Applicant shall file her response to the Respondent’s 23 October 2023 submission within 30 days after receipt of the French translations.

(Signed)

Judge Sean Wallace

Dated this 2nd day of November 2023

Entered in the Register on this 2nd day of November 2023

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi