



**Before:** Duty Judge  
**Registry:** Nairobi  
**Registrar:** René M. Vargas M., Officer-in-Charge

NK

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
Anna Mildemberger, UNHCR  
Jan Schrankel, UNHCR

## **Introduction**

1. On 15 April 2024, the Applicant, a staff member at the Office of the United Nations High Commissioner for Refugees (“UNHCR”) filed an incomplete application contesting several administrative decisions. The application was completed on 14 May 2024. Part of the application includes annex 99 which is a 54-page “Chronology” containing both factual submissions and legal arguments.
2. On the same day, the Tribunal directed the Respondent to file a reply to the application by 13 June 2024.
3. On 24 May 2024, the Respondent filed three motions:
  - a. A motion requesting the Tribunal to issue a case management order requiring the Applicant to replace the “Chronology” with a concise statement of facts to be incorporated into the application, and to reduce the number of pages of such amended application in accordance with the Tribunal’s Practice Direction No. 4, or another number of pages deemed appropriate by the Tribunal;
  - b. An alternative motion requesting to equally exceed the page limit set out in the Practice Direction No. 4, to fully address the Applicant’s factual assertions and legal arguments in the application and the “Chronology”; and
  - c. A motion requesting for an extension of the time to file the reply by two weeks until 27 June 2024.
4. On 3 June 2024, the Applicant filed what he described as a “motion for adding information to the case” and a response to the Respondent’s motions. In his submissions, the Applicant argues, *inter alia*, that he was unable to finalize his responses to the rebuttal outcome and the management evaluation response before submitting this application and requests to include his responses to both outcomes which he avers contain crucial information and legal arguments deserving of the Respondent’s and the Tribunal’s consideration. The additional information the

Applicant intends to provide is the “Chronology” described at para. 1 above. He also does not object to the Respondent’s request for additional time to file his reply.

### **Consideration**

5. The Tribunal has considered the parties’ submission and, in accordance with art. 19 of the UNDT Rules of Procedure, considers that for the fair and expeditious disposal of this particular case and to do justice to the parties:

- a. The self-represented Applicant should be allowed to incorporate annex 99 and the “Chronology” as part of his application;
- b. The Respondent should be given an equal opportunity to fully address the Applicant’s factual assertions and legal arguments in the application and the “Chronology” by granting his request to exceed the page limit; and
- c. The Respondent should be granted an extension of time to file a reply in order to do so.

6. The Tribunal construes the Applicant’s “motion” to be a response to the Respondent’s motion and thus that no ruling thereon is required.

### **Conclusion**

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

- a. The Respondent’s motion requesting the Tribunal to issue a case management order requiring the Applicant to replace the “Chronology” with a concise statement of facts to be incorporated into the application is denied;
- b. Annex 99 and the “Chronology” are admitted as part of the application;
- c. The Respondent’s motion requesting to equally exceed the page limit set out in the Practice Direction No. 4 in order to fully address the Applicant’s factual assertions and legal arguments in the application and the “Chronology” is granted; and

d. The Respondent's motion requesting for an extension of the time to file the reply by two weeks until 27 June 2024 is granted.

*(Signed)*

Judge Sean Wallace (Duty Judge)

Dated this 11<sup>th</sup> day of June 2024

Entered in the Register on this 11<sup>th</sup> day of June 2024

*(Signed)*

Eric Muli, Legal Officer, for René M. Vargas M., Officer-in-Charge, Nairobi