



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NBI/2025/020
Order No.:	47 (NBI/2025)
Date:	11 April 2025
Original:	English

Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

NASSER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:
Me. Maximilian Girod-Laine

Counsel for Respondent:
Jérôme Blanchard, HRLU UNOG

Introduction and Procedural History

1. The Applicant is a Human Rights Officer at the Office of the High Commissioner for Human Rights (“OHCHR”), Sudan Office.
2. On 25 February 2025, the Applicant filed an application contesting the imposition of a Performance Improvement Plan (“PIP”) and of three months’ withdrawal of managerial responsibilities before completion of the PIP.
3. The Respondent filed a reply to the application on 1 April 2025. The Respondent contests the receivability of the application.
4. Further, the Respondent “notes” that under art. 6 of the Tribunal’s Practice Direction No. 4 (Filing Applications and Replies), the application should not exceed 10 pages, font Times New Roman, font size 12, line spacing of 1.5 lines”. The Respondent argues that the current application is 17 pages long with no line spacing. The Respondent “notes” that the Applicant neither requested nor was she granted leave to exceed the stipulated page limit for this application.
5. In support of the reply, the Respondent filed two documents (annexes labelled A/8 and A/9) *ex parte*. The Respondent submits that the documents contain privileged information. In the list of annexes to the reply, the said annexes are described as, “Concerns raised against the Applicant” in March 2024 and “Complaint against Applicant” on 17 March 2024 respectively.
6. On 10 April 2025, the Applicant filed a motion requesting leave to file a rejoinder to the reply on the following grounds:
 - a. A rejoinder would assist the Tribunal in clarifying some of the issues addressed;
 - b. It would also be appropriate for the fair disposal of the case and to do justice to the parties by giving the Applicant an opportunity to comment on the reply.

c. Additional and irrevocable evidence will be provided to dispute the Respondent's rejection of the Applicant's claim of improper motives as well as in relation to some incorrect depictions of the facts by the Respondent;

d. The Respondent relies on alleged evidence of complaints against the Applicant of which she was partly not aware, specifically one dated 10 March 2024 submitted with annex A/8, and which the Respondent says were relied on for the decision to remove the Applicant from her post to prevent prohibited conduct;

e. The Respondent fails to specify what alleged behaviour of the Applicant would qualify as an allegation of prohibited conduct, in breach of her due process rights, specifically the adversarial principle; and

f. The Applicant has evidence to show that the Respondent has been inconsistent in arguments related to the case, which indicates the existence of improper motives, a failure in proper management performance of the Applicant and irregularities in the process.

Consideration

7. The Respondent correctly notes that the application fails to comply with Practice Direction No. 4 both as to page limit and formatting. The Tribunal assumes this is due to Applicant's counsel being unaware of the Practice Directions. As such, counsel is directed to the Practice Directions which can be found on the website: <https://www.un.org/en/internaljustice/undt/key-documents.shtml>

8. The Respondent, however, has not asked for a ruling on the page limit for the application and merely "notes" this non-compliance. Thus, the Tribunal will not make a ruling regarding this point.

9. Annexes A/8 and A/9 were filed by the Respondent *ex parte*. The Tribunal finds that the nature of these documents is correctly described in the reply and that the documents contain confidential information. The Applicant complains that the Respondent fails to specify the allegations of misconduct contained in these

documents, however, the Tribunal does not deem it necessary to rule on the admissibility/disclosure issues. If the application is determined to be receivable and the details of the allegations are deemed relevant in considering the merits, admissibility/disclosure of these documents will be revisited.

10. The Tribunal, therefore, in accordance with art. 18.4 of its Rules of Procedure, determines that the Respondent's annexes A/8 and A/9 should remain *ex parte*.

Conclusion

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

- a. The Respondent's annexes A/8 and A/9 shall remain *ex parte*;
- b. The Applicant's motion for leave to file a rejoinder is granted; and
- c. The rejoinder is to solely address the issue of receivability AND must be no longer than five pages and in compliance with Practice Direction No. 4 ("font Times New Roman, font size 12, line spacing of 1.5 lines"). A rejoinder not in compliance will be rejected. It is to be filed no later than 5 p.m. (Nairobi time), on **Wednesday, 16 April 2025**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 11th day of April 2025

Entered in the Register on this 11th day of April 2025

(Signed)

Liliana López Bello, for Wanda L. Carter, Registrar, Nairobi