



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

ABALOS ET AL.

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Christopher Bollen and Mathis Kern

Counsel for Respondent:

Daniel Trup, Legal Counsel, WMO

Introduction

1. By Order No. 16 (NY/2021) dated 2 March 2021, the Tribunal:
 - a. Granted the Respondent's request for a stay of the proceedings until the Appeals Tribunal had issued its judgment(s) with full written reasons in the appeals of some Dispute Tribunal's judgments, which the Respondent had submitted were dispositive of the present cases; and
 - b. Denied the Applicants' request to file further detailed observations to the Respondent's reply.
2. On 14 May 2021, the Appeals Tribunal issued its judgment in *Abd Al-Shakour et al.* 2021-UNAT-1107 with full written reasons.
3. On 27 May 2021, the Respondent submitted a motion for summary judgment.

Consideration

4. In light of the Appeals Tribunal's judgment in *Abd Al-Shakour et al.* 2021-UNAT-1107, the Tribunal will instruct the parties to present their submissions on whether *Abd Al-Shakour et al.* is dispositive for the determination of the present cases in accordance with the so-called doctrine of *stare decisis* whereby the judgments of the Appeals Tribunal are binding on the Dispute Tribunal (see, for instance, *Igbinedion* 2014-UNAT-410, paras. 23 and 24).
5. The Tribunal will thereafter decide on this issue. If the Tribunal is to find that *Abd Al-Shakour et al.* is dispositive for the determination of the present cases, the Tribunal will issue its final judgment thereon and reject the applications in the present cases. If the Tribunal is to find that *Abd Al-Shakour et al.* is not dispositive of the present cases and further assesses that further case management is needed, it will issue a written Order for this purpose, unless it deems that the cases can be decided

on the papers before it and a judgment can be issued on the merits without further written pleadings.

6. The Respondent's motion for summary judgment is therefore to be rejected.

IT IS ORDERED THAT:

7. By **4:00 p.m. on Monday, 26 July 2021**, the Applicant is to file his final submissions on whether Abd Al-Shakour et al. 2021-UNAT-1107 is dispositive for the determination of the present cases. The pleading is to be a maximum of five pages, using the font Times New Roman, size 12 and 1.5 line spacing;

8. By **4:00 p.m. on Monday, 2 August 2021**, the Respondent to file his response to the Applicant's 26 July 2021 submissions. The pleading is to be a maximum of five pages, using the font Times New Roman, size 12 and 1.5 line spacing;

9. By **4:00 p.m. on Friday, 6 August 2021**, the Applicant is to file his final observations to the Respondent's 2 August 2021 response. The pleading is to be a maximum of two pages, using the font Times New Roman, size 12 and 1.5 line spacing;

10. Unless otherwise ordered, on receipt of the latest of the aforementioned statements or at the expiration of the provided time limit, the Tribunal will adjudicate on the matter and deliver Judgment based on the documents on record.

(Signed)

Judge Joelle Adda

Dated this 16th day of July 2021