



**Before:** Duty Judge

**Registry:** New York

**Registrar:** Morten Albert Michelsen, Officer-in-Charge

WILSON

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Sètondji Roland Adjovi

**Counsel for Respondent:**  
Yehuda Goor, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 23 October 2022, the Applicant filed the application in which he contests “the 10 May 2022 decision to disclose his confidential personal and medical information to other staff members who had no right to be provided with this information, which violated the Applicant’s right to privacy”.
2. By email of 24 October 2022, the New York Registry of the Dispute Tribunal acknowledged receipt of the application and served it on the Respondent. The Respondent was given a deadline until 23 November 2022 to file his reply pursuant to art. 10 of the Dispute Tribunal’s Rules of Procedure.
3. On 28 October 2022, the Respondent filed a motion for summary judgment.

## **Consideration**

4. In the Respondent’s 28 October 2022 motion, he submits that “the [a]pplication is manifestly not receivable as a matter of law and should be decided by way of summary judgment requests” and sets out a chronology of facts, which is different from the facts presented by the Applicant in the application. He further presents his submissions on the non-receivability of the application.
5. The Tribunal notes that under art. 9 of its Rules of Procedure, “A party may move for summary judgement “when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law”. Also, the Dispute Tribunal “may determine, on its own initiative, that summary judgement is appropriate”.
6. In view of the different chronologies of facts presented by the parties, the Tribunal is not convinced that there is “no dispute as to the material facts” as per art. 9 of its Rules of Procedure. When reading Respondent’s 28 October 2022 motion, it, however, appears evident that the Respondent, in effect, is seeking the Tribunal to

decide on the receivability of the application as a preliminary matter before entering into, if relevant, the issue of the merits of the application.

7. For the fair and expeditious disposal of the case and to do justice to the parties, the Tribunal finds that deciding on the receivability of the application as a preliminary matter is an appropriate course of action in accordance with art. 19 of the Dispute Tribunal's Rules of Procedures. The Tribunal will therefore suspend the deadline for the Respondent to file his reply and allow the Applicant to comment on the Respondent's submissions on the non-receivability of the application.

IT IS ORDERED THAT:

8. The Respondent's motion for a summary judgment is rejected, but the issue of receivability is to be determined as a preliminary matter;

9. By **4:00 p.m. on Monday, 21 November 2022**, the Applicant may file observations in response to the Respondent's contentions of non-receivability. The submissions shall not exceed six pages, using Times New Roman, font 12 and 1.5 line spacing.

10. Upon receipt of the Applicant's observations, unless instructed otherwise, the Tribunal will proceed to adjudicate the issue of receivability on the papers before it.

*(Signed)*

Judge Joelle Adda

Dated this 8<sup>th</sup> day of November 2022