



**Before:** Judge Rachel Sophie Sikwese

**Registry:** New York

**Registrar:** Isaac Endeley

FUSCO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER  
ON CASE MANAGEMENT**

---

**Counsel for Applicant:**

Robbie Leighton, OSLA

**Counsel for Respondent:**

Alister Cumming, UNICEF

## **Introduction**

1. On 2 October 2023, the Tribunal issued Order No. 094 (NY/2023) instructing the Applicant to comply with the requirements of art. 6 of the Tribunal’s Practice Direction No. 4 on Filing Applications and Replies, which stipulates that the “application should not exceed 10 pages, font Times New Roman, font size 12, line spacing of 1.5 lines”.

2. On 3 October 2023, the Applicant filed a motion seeking “leave to exceed the page limit” for his application. In relation to his excessively long application filed on 16 March 2023, the Applicant states that he “regrets the failure to file a motion to exceed the Practice Direction No. 4 page limit but hopes in the circumstances the Tribunal will be willing to retroactively grant such leave”. According to the Applicant, “the interests of justice would not be served at this stage by revision to the application”. He also submits, *inter alia*, that should leave to exceed the page limit not be granted, he requests an additional five working days to comply with the instruction.

## **Considerations**

3. The Tribunal has considered the Applicant’s motion to exceed the page limit and notes that the issues raised in the application are not novel. Pleadings are not evidence and, therefore, the application ought not to include evidence or jurisprudence. The parties will be granted sufficient time during the proceedings for adducing evidence, to discuss the legal framework, or to review the applicable jurisprudence. The Tribunal further notes that Practice Direction No. 4 is clear and self-explanatory. Consequently, the Tribunal considers that exceeding the page limit would not serve the interests of justice but would violate the Practice Direction.

4. However, the Tribunal has decided to grant the Applicant an extension of time to ensure full compliance with Order No. 094 (NY/2023).

5. In light of the above,

IT IS ORDERED THAT:

6. By **4:00 p.m. on Monday, 16 October 2023**, the Applicant is to resubmit the application, which shall not exceed 10 pages, font Times New Roman, font size 12, line spacing of 1.5 lines.

*(Signed)*

Judge Rachel Sophie Sikwese

Dated this 4<sup>th</sup> day of October 2023

Entered in the Register on this 4<sup>th</sup> day of October 2023

*(Signed)*

Isaac Endeley, Registrar, New York