



Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

NAVAS CASTILLO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Isavella Maria Vasilogeorgi, DAS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 024 (NY/2024) dated 1 March 2024, the Tribunal ordered the Applicant to file his closing statement by 15 March 2024. This closing statement was “solely to be based on previously filed pleadings and evidence”, and “no new pleadings or evidence” were allowed at this stage. The Tribunal further ordered the Respondent to file his closing statement “responding to the Applicant’s closing statement” by 29 March 2024.

2. On 15 March 2024, the Applicant filed his closing statement as per Order No. 024 (NY/2024) but did so *ex parte*.

Consideration

3. Under Practice Direction No. 6 (Records of the Dispute Tribunal), parties shall not have access to *ex parte* materials except by leave of a Judge on good cause shown.

4. The very purpose of Order No. 024 (NY/2024) would be frustrated if the Respondent is not provided access to the Applicant’s closing statement as the Respondent is to file his own closing statement in response to the Applicant’s closing statement. In accordance with Order No. 024 (NY/2024), in the closing statement, the Applicant is also simply to set out his legal arguments as they stand at the end of the proceeding and not introduce any new pleadings or evidence at this stage.

5. The Appeals Tribunal has further held that *ex parte* filings generally are “the antitheses of transparency and should never take place during a proceeding” (see *Abu Jarbou* 2013-UNAT-292, para. 33). In this regard, the Tribunal notes that the Applicant does not provide any explanation in his closing statement as to why it is filed *ex parte*, and no information contained therein justifies withholding it from the Respondent.

6. In any event, the Tribunal notes that third-party access to the case record, including his closing statement, is restricted in accordance with Practice Direction No. 6 (records), which states that “[a]ccess to materials other than judicial issuances pertaining to cases other than the ones to which one is a party can only be granted by a Judge”.

7. In light of the above,

IT IS ORDERED THAT:

8. The Applicant’s request for filing his 15 March 2024 closing statement *ex parte* is rejected, and the Registry is instructed to grant the Respondent full access to this closing statement. The orders of Order No. 024 (NY/2024) remain unchanged.

(Signed)

Judge Joelle Adda

Dated this 18th day of March 2024

Entered in the Register on this 18th day of March 2024

(Signed)

Isaac Endeley, Registrar, New York