



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/053

Order No.: 109 (NY/2024)

Date: 5 November 2024

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

ADUNDO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Tamal Mandal, AS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 082 (NY/2024) dated 11 July 2024, the Tribunal provided the following orders (emphasis in original omitted):

... By ... 14 August 2024, the Applicant shall file a rejoinder to the Respondent's reply, in particular with regard to the receivability of the application. The rejoinder should not exceed 8 pages, using font Times New Roman, font size 12, line spacing of 1.5 lines.

... By ... 4 September 2024, the Respondent shall file his reply to the Applicant's rejoinder. This submission should not exceed four pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

... Unless otherwise ordered, the Tribunal will thereafter adjudicate on the case based on the papers on record.

2. On 13 August and 4 September 2024, the parties filed their respective submissions as per Order No. 082 (NY/2024).

Consideration

3. The Tribunal notes that the Applicant is self-represented and that the Appeals Tribunal has held that self-represented applicants are to be given some, but not unlimited, latitude regarding their "general words and phrases as a formulation of grounds for appeal" (see, for instance, *Hammad* 2024-UNAT-1435, para. 15).

4. The Tribunal notes that in his 13 August 2024 submission, the Applicant did not comply with the Tribunal's explicit formatting instructions regarding font type, font size, and line spacing (see above) and that his submission is therefore excessively long. Such instructions are very important and are aimed at ensuring that the Tribunal is provided with a complete overview and understanding of what the Applicant intends to submit for its consideration. The Tribunal does not feel that this is the case here.

5. Accordingly, the Tribunal will allow the Applicant a final opportunity to present his case in a so-called closing statement. This means that this is the last chance for the Applicant to address the Tribunal, which he is to do by summarising

all his previous submissions in a clear, succinct and precise manner. The Applicant is not allowed to introduce any new pleadings or evidence at this stage. The closing statement is, under no circumstances, to exceed eight pages and the formatting instructions are strictly to be followed.

6. Addressing the receivability and the merits of the present case under different headings, the structure of the Applicant's closing statement should be the following:

a. First, the Applicant is to present the legal provisions and/or judgments, which he believes are relevant to the Tribunal's adjudication of the issue at stake. It is not necessary to set out the entire text of the legal provisions or judgments—this can be done either by simple reference or by (only) quoting the most essential parts.

b. Second, the Applicant is to summarise the facts that he believes are relevant to the issue. This is best done in a short and chronological form, and as relevant, reference should be made to document(s) on file that corroborate each of these factual submissions. This reference can, for instance, be made in a footnote by indicating, as relevant, the annex number, page number, and paragraph number.

c. Third, the Applicant is to summarise his legal contentions. This means that he is to compare the relevant facts to the stated law and argue why he alleges that his rights were breached. The presentation should be done in an organised and logical manner that will easily allow the Tribunal to follow the Applicant's reasoning.

d. Fourth, the Applicant is to summarise the remedies he seeks under art. 10.5 of the Dispute Tribunal's Statute and also state his arguments in support thereof.

7. As a matter of equality of arms, the Respondent will then be offered the opportunity to respond to the Applicant's closing statement in an eight-page closing

statement. Finally, as the moving party, the Applicant will be provided the opportunity to have the last word in the case in a two-page filing.

IT IS ORDERED THAT:

8. By **4:00 p.m. on Tuesday, 12 November 2024**, the Applicant is to file his closing statement, which is to be eight pages maximum, using Times New Roman, font size 12, and 1.5 line spacing. The closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;

9. By **4:00 p.m. on Tuesday 19 November 2024**, the Respondent is to file his closing statement, if any, responding to the Applicant's closing statement at a maximum length of eight pages, using Times New Roman, font size 12, and 1.5 line spacing. The closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;

10. By **4:00 p.m. on Friday, 22 November 2024**, the Applicant may file a statement of any final observations, if any, responding to the Respondent's closing statement. This statement of final observations by the Applicant must be a maximum of two pages, using Times New Roman, font size 12, and 1.5 line spacing. It must be solely based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage.

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11. Unless otherwise ordered, on receipt of the latest of the aforementioned statements or at the expiration of the provided time limits, the Tribunal will adjudicate on the matter and deliver Judgment based on the papers filed on record.

(Signed)

Judge Joelle Adda

Dated this 5th day of November 2024

Entered in the Register on this 5th day of November 2024

(Signed)

Isaac Endeley, Registrar, New York