



Before: Duty Judge
Registry: New York
Registrar: Isaac Endeley

KOVALENKO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Lucienne Pierre, AS/ALD/OHR/UN Secretariat
Tamal Mandal, AS/ALD/OHR/UN Secretariat

Introduction

1. On 30 October 2024, the Applicant, the Chief of Administration of the Counter Terrorism Committee Executive Directorate, filed the application in which he describes the details of the contested decisions as follows:

Decision by the Secretary-General not to adhere in full to the Headquarters Agreement with [the United States, “the US”] ... and the so-called “modus vivendi” between the United Nations and the United States dated July 27, 1953 (attached) which requires him in cases when section 13(b) of the Headquarters Agreement is invoked by the US, that the case “would have to be mutually studied on the basis of all the evidence supplied by the United States authorities to the Secretary-General, and if agreement were not reached, the problem would have to be solved under the Agreement, that was to say by arbitration”, not to demand the US concrete evidence supporting their false allegations, not to submit my case to the arbitration, leading to a situation when I am discriminated on the basis of nationality, and my rights are violated and reputation damaged. Decision not to share with me full information regarding my case, for instance the notes verbale regarding my case sent to the Organization by the US, any notes, memo or emails on the content and the outcome of consultations that might have taken place between the Secretary-General and [the Office of Legal Affairs] and the host country regarding my case.

2. On 2 December 2024, the Respondent filed the reply in which he contends that the application is not receivable and, in any event, without merit.

3. On 5 December 2024, the Applicant filed a motion to request leave to file a rejoinder to the reply.

4. On 23 December 2024, the Applicant filed the rejoinder to the reply.

Consideration

5. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue any order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

6. The Tribunal notes that the Applicant sought leave from the Tribunal to file a rejoinder on 5 December 2024 and filed this rejoinder on 23 December 2024. Having reviewed the rejoinder in light of the other submissions made by the parties, the Tribunal is satisfied that it is relevant and will accept it.

7. In light of the above,

IT IS ORDERED THAT:

8. The Applicant's 5 December 2024 motion for leave to file a rejoinder to the reply is granted and the 23 December 2024 rejoinder is accepted into the case file.

9. Further instructions on case management will be issued by the Judge of the Tribunal to whom the case will be assigned.

(Signed)

Judge Francis Belle

Dated this 23rd day of January 2025

Entered in the Register on this 23rd day of January 2025

(Signed)

Isaac Endeley, Registrar, New York