



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/057
Order No.: 054 (NY/2023)
Date: 12 July 2023
Original: English

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

SCHIFFERLING

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:
Cristian Gimenez Corte

Counsel for Respondent:
Kong Leong Toh, UNOPS

Introduction

1. On 25 November 2022, the Applicant, a former staff member in the United Nations Office for Project Services based in New York, filed an application in which he contests the “abolishment [of his post], [his] separation [from service], and [the] non-renewal [of his appointment]”.

2. On 27 December 2022, the Respondent filed a reply submitting that the application has no merit. The 18-page reply exceeds the page limit stipulated in art. 19 of Practice Direction No. 4 (filing of application and replies), and albeit the Respondent provides an explanation therefor, he fails to explicitly request leave to do so.

Consideration

3. In preparation of the case for the assigned Judge, when studying the parties’ submissions on facts, it is not clear to the Duty Judge on what facts they indeed agree and disagree. In this regard, the Appeals Tribunal has held that the Dispute Tribunal is not to make its own factual findings if the parties have agreed on certain facts (see *Ogorodnikov* 2015-UNAT-549, para. 28). The Tribunal also notes that the very purpose of producing evidence—written or oral—is to substantiate the specific relevant facts on which the parties disagree. Accordingly, there is, in essence, only a need for evidence if a fact is relevant and disputed (in line herewith, see *Abdellaoui* 2019-UNAT-929, para. 29, and *El-Awar* 2019-UNAT-931, para. 27).

4. The Duty Judge will therefore order the parties to produce a consolidated list of agreed and contested facts for the Tribunal to better understand the factual issues at stake.

5. In light of the above,

IT IS ORDERED THAT:

6. By **4:00 p.m. on Tuesday, 15 August 2023**, the parties are to file a jointly-signed statement providing, under separate headings, the following information:

a. A consolidated list of the agreed facts. In chronological order, this list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning;

b. A consolidated list of the disputed facts. In chronological order, the list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning. If any documentary and/or oral evidence is relied upon to support a disputed fact, clear reference is to be made to the appropriate annex appended to the application or reply, as applicable. At the end of the disputed paragraph, in square brackets, the party contesting the disputed fact shall set out the reason(s);

7. When the case is assigned to a Judge, the relevant instructions, if any, for further case management will be issued.

(Signed)

Judge Joelle Adda

Dated this 12th day of July 2023

Entered in the Register on this 12th day of July 2023

(Signed)

Isaac Endeley, Registrar, New York