
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/006
Order No.:BUNAL

Introduction

1. The Applicant is a staff member of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). He is contesting the “non-payment of months of salary without explanation or justification”.

through CCMS and takes it upon herself to dictate to the Tribunal that it should make its meagre resources available for her use as a matter of right. While parties have an undeniable right of access to a court of law at the same time they are required to comply with standard procedures and not try to impose their own views or practices on the court. It is the considered view of this Tribunal that parties appearing before the UNDT shall file their submissions through CCMS unless they can show they either have no access to the e-Filing portal or that it is impossible either technically or for some valid reason, which must be proved, to use it.

7. In the same Order, the Tribunal ordered Applicant's Counsel to submit a copy of the management evaluation request, copies of the emails referred to in the Application and any other supporting documentation, properly labeled as annexes, through CCMS no later than 4 February 2016.

8. Thus far, Applicant's Counsel has not complied with the Tribunal's directive in Order No. 014 and she has not offered any explanation for her non-compliance.

Preliminary matters

9. Pursuant to art. 8.4 of the UNDT Rules of Procedure, the Registrar "shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate" after ascertaining that the application is in compliance with articles 8.1 to 8.3 of the Rules of Procedure.

10. However, in *Kalpokas Tari* UNDT/2013/180, Judge Meeran stated that:

11. The Tribunal has regard not only to the plain words of the Statute and Rules of Procedure, but also to the expectations of the General Assembly in resolutions 66/237 and 67/241 that the Tribunal adopt effective measures in dealing with frivolous and manifestly inadmissible applications. In particular, para. 42 of General Assembly resolution 67/241 states:

42. [The General Assembly] *Recognizes* the importance of effective measures against the filing of frivolous applications [and] encourages the judges to make full use of those measures currently available to them

12. Consistent with the General Assembly's resolutions, the Tribunal has on several occasions considered matters of admissibility or receivability on a priority basis (see *Hunter* UNDT/2012/036, *Milich* UNDT/2013/007, and *Masykanova*

- b. The Respondent's submission that MEU did not undertake management evaluation of the contested decision because according to MEU it was not apparent from the Applicant's correspondence that she was seeking

22.

30. In *Dalgaard et al* 2015-UNAT-532, UNAT held that it is the self-evident duty of all counsel appearing before the Tribunals to contribute to the fair administration of justice and the promotion of the rule of law.

31. By acting as she has done in the present matter, Counsel for the Applicant has failed to live up to her responsibilities as an officer of the court. She has acted with contempt of the court directions and has also denied the Applicant access to justice, which is a universal fundamental right of any litigant.

32. However much minded the Tribunal is it will make no order as to costs for abuse of process as this would further penalize the Applicant.

Decision

33. The current Application is not receivable.

34. Pursuant to article 19 of the UNDT Rules of Procedure, the Tribunal strikes out the matter of *Keto v. The Secretary-General of the United Nations*, Case No. UNDT/NBI/2016/006.

(Signed)

Judge Vinod Boolell

Dated this 25th day of February 2016

Entered in the Register on this 25th day of February 2016

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi