



Date: 22 October 2009

BACKGROUND

1. On 27 August 2009, the United Nations Dispute Tribunal (Dispute Tribunal) received an application from the applicant to appeal a decision taken by the Chief Civilian Personnel Officer of the United Nations Stabilization Mission in Haiti (MINUSTAH) to stop paying the applicant's salary as of April 2009, and requesting the Dispute Tribunal to order the Personnel Staff of MINUSTAH to pay the applicant's salary.

2. On the same day, the Dispute Tribunal Registry sent an email to the applicant and the Administrative Law Unit. It acknowledged the receipt of the application, and instructed the applicant to copy the counsel of the respondent in all the communications with the Dispute Tribunal in relation to his case. It also informed the Administrative Law Unit that pursuant to Article 10 of the Rules of Procedure of the Dispute Tribunal (Rules) the respondent has 30 calendar days from th0S.0012 Ts with the Disput

5. One of the possible consequences of a failure to reply is that the party that fails to file a reply or other response may be deemed to have admitted the allegations in his or her opponent's pleading, thus allowing the Dispute Tribunal to make a finding against the defaulting party.

6. Legal Counsel should bear in mind that they have a duty not only to their clients, but also to the Dispute Tribunal, to ensure that pleadings are properly and timeously filed and served. They should further keep in mind that the main purpose of pleadings is to identify and clarify the issues between the parties in a case, and to assist the court by defining the limits of an action. In order for Counsel to produce good pleadings he or she must be aware of certain basic requirements for bringing or defending an action, such as the existence of a cause of action, the competence of a party to bring or defend an action in relation to locus standi or legal standing, and whether a party has interest in bringing or defending the action.

7.

Case No. UNDT/NY/2009/115

Order No. 130