



UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D APPEL DES NATIONS UNIES

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Judgment No. 2015-UNAT-560

Staedtler  
(Appellant)

v.

Secretary-General of the United Nations  
(Respondent)

J U D G M E N T

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8. On 14 April 2014, the UNDT issued Order No. 078 (NBI/2014) holding the Secretary-General's reply was not receivable as it was filed outside the time stipulated in the rules and without [the UNDT's] permission.

9. On 15 April 2014, the Secretary-General filed a motion to reconsider Order No. 078 (NBI/2014) and for permission to take part in the proceedings and to file his reply. The Respondent apologized for the procedural error and late filing of the reply.

10. The UNDT afforded Mr. Staedtler the opportunity to respond to the Secretary-General's motion, and on 24 April 2014, Mr. Staedtler filed an opposition to the motion and requested the UNDT to strike the reply from the record.

11. On 1 July 2014, the UNDT transferred UNDT Case No. NBI/2013/098 to the Geneva Registry, which assigned the matter Case No. UNDT/GVA/2014/52.

12. On 6 August 2014, the UNDT issued Order No. 116 (GVA/2014), which, *inter alia*, granted the Secretary-General's motion to participate in the proceedings and to accept his reply of 3 April 2014 as part of the UNDT record.

13. On 8 August 2014, Mr. Staedtler filed a motion with the UNDT to reconsider Order No. 116 (GVA/2014) or, alternatively, to permit him to file a response to the reply so he could rebut the various misleading, respectively merely false statements. On 13 August 2014, the Secretary-General filed his opposition and requested that the UNDT find Mr. Staedtler's motion to be frivolous and vexatious.

14. On 19 August 2014, the UNDT issued Order No. 126 (GVA/2014), which, *inter alia*, denied the Applicant's motions for reconsideration and for permission to respond to the Respondent's reply. Additionally, the UNDT admonished Mr. Staedtler to refrain from making any comments about Counsel for the Respondent in his submissions to the [Dispute] Tribunal.

15. On 26 August 2014, Mr. Staedtler filed an appeal against Orders Nos. 116 and 126 (GVA/2014). Regarding Order No. 116 (GVA/2014), Mr. Staedtler requests that the Order be rescinded, that Order No. 078 (NBI/2014) be reinstated, and that the Secretary-General's reply be stricken as untimely. Regarding Order No. 126 (GVA/2014), Mr. Staedtler requests that the portion of the Order admonishing him be rescinded and the Order not be published in its present form. On 22 September 2014, the Secretary-General filed his answer to the appeal.

**THE UNITED NATIONS APPEALS TRIBUNAL**



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[T]he UNDT enjoys wide powers of discretion in all matters relating to case management and [the Appeals Tribunal] must not interfere lightly in the exercise of the jurisdictional powers conferred on the tribunal of first instance to enable cases to be judged fairly and expeditiously and for the dispensation of justice. For this reason, and in accordance with Articles 2(2) and 10(2) of the UNDT Statute, appeals against decisions taken in the course of proceedings and relating to procedure [ ] are not re0ov[b(a)1.1

expeditious disposal of the case and to do justice to the parties . In fact, the UNDT specifically cited Article 19 to support its issuance of Order No. 116 (GVA/2014). Since the UNDT did not exceed its competence or jurisdiction in issuing

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Dated this 2<sup>nd</sup> day of July 2015 in Geneva, Switzerland.

*(Signed)*

Judge Chapman, Presiding

*(Signed)*

Judge Weinberg de Roca

*(Signed)*

Judge Faherty