



1. ABA, a staff member serving at the United Nations Assistance Mission in Afghanistan (UNAMA), filed an application with the United Nations Dispute Tribunal (UNDT or Dispute

8. The USG/DMSPC concluded that ABA's actions constituted misconduct in violation of Staff Regulation 1.2(b) and (f), Staff Rule 1.2(f)<sup>6</sup> and Section 3.5(c) of ST/SGB/2019/8 (Addressing





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37. The Secretary-General submits that the UNAT has held that it will not lightly interfere with UNDT's management of its cases. The Secretary-General further points out that ABA was ultimately heard by the UNDT when the UNDT considered ABA's arguments in his motion for reconsideration of impugned Order no. 1. The fact that ABA disagreed with the UNDT's rejection of this motion in impugned Order no. 2 does not bring the matter into the narrow exception to the well-established rule against interlocutory appeals.

38. The Secretary-





UNDT Judgments and even Orders were held to be receivable.<sup>28</sup> It is because “there is the need to receive the appeal now rather than wait for the issue to be raised in an appeal against the final judgment”.<sup>29</sup>

48. In \_\_\_\_\_,<sup>30</sup> we concluded that the fact that “the Secretary General was not provided with an opportunity to be heard on the motion” did not amount to the Dispute Tribunal “clearly” exceeding its jurisdiction and competence, given the general authority granted to the Dispute Tribunal pursuant to Article 19(1) of the UNDT Rules of Procedure (UNDT Rules) that it “may at any time, either on an application of a party or on its own

while V01 is testifying prevents him from providing necessary real-time instructions to his appointed legal counsel which places him at a significant disadvantage.

52. We recall that, in \_\_\_\_\_, <sup>32</sup> we have established another type of interlocutory appeal that is receivable, where an error by the UNDT is effectively irremediable by the final UNDT judgment (or on appeal therefrom) and it would be manifestly unreasonable for the UNDT's order or other decision to remain in effect. Contrary to ABA's arguments, this exception is not applicable here either.

53. In the present case, the UNDT's refusal to permit ABA to participate while V01 is testifying cannot be considered as effectively irremediable by the final UNDT judgment and appeal therefrom. As the Secretary-General's res\* « \_\_\_\_\_ Ó \_\_\_\_\_ \*

56. ABA's interlocutory appeal is not receivable.

Original and Authoritative Version: English

Decision dated this 25<sup>th</sup> day of October 2024 in New York, United States.

Judge Gao, Presiding

Judge Ziadé

Judge Forbang

Judgment published and entered into the Register on this 5<sup>th</sup> day of December 2024 in New York, United States.

Juliet E. Johnson, Registrar