



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-312

**Charles
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

ORDER No. 125 (2013)

1. On 27 March 2012, Mr. Lestrade Charles filed an appeal against Judgment No. UNDT/2012/024, rendered by the United Nations Dispute Tribunal in New York on 14 February 2012 in the case of *Charles v. Secretary-General of the United Nations*. On 22 May 2012, the Secretary-General filed his answer.
2. On 15 February 2013, Mr. Charles filed a motion for disclosure of document with the United Nations Appeals Tribunal (Appeals Tribunal). On 5 March 2013, the Secretary-General filed his response, requesting that the Appeals Tribunal dismiss the motion or, in the alternative, grant him a reasonable period of time to respond.
3. The document in question is a memorandum dated 11 September 2006 from the Assistant-Secretary-General for Human Resources Management (Ref. no. DOD-06-01314), which, according to Mr. Charles, sets out “policy guidance” on training for members of competency-based interview panels. The Secretary-General indicates familiarity with the document.
4. Mr. Charles cited the requested document in his Appeal but failed to annex it, as is required by Article 8(2) of the Rules of Procedure of the Appeals Tribunal. Nonetheless, as it may prove useful in the Appeals Tribunal’s consideration of his

case, and pursuant to Article 2(5) of the Statute of the Appeals Tribunal, I have decided to grant the Motion and order production of the document. It will be for the panel which ultimately hears the case to determine its relevance.

5. Notwithstanding the foregoing, I accept the submission of the Secretary-General that Mr. Charles improperly used his motion to re-argue his case. Accordingly, the case record before the panel of the Appeals Tribunal shall reflect only this Order and the document, but not the motion or the Secretary-General's response thereto.

6. For the reasons set out herein, I grant Mr. Charles' motion and order the Secretary-General to produce the document by 4 p.m., E.S.T., on Friday 15 March, 2013. As the case is designated for consideration by the Appeals Tribunal at its forthcoming session in New York, which commences on Monday, 18 March 2013, no extensions of this time limit will be granted.

Original and Authoritative Version: English

Dated 12th day of March 2013 in Montevideo, Uruguay.

(Signed)
Judge Luis María Simón, President

Entered in the Register on this 12th day of March
2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar