



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1277

Igunda

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 356 (2019)

1. On 21 June 2019, the United Nations Dispute Tribunal (UNDT) in Nairobi issued Order No. 079 (NBI/2019), (the Order) in the matter of *Igunda v. the Secretary-General of the United Nations*, in which the UNDT dismissed Mr. Mukulutage Sadok Igunda's application for suspension of action relating to an administrative decision not to renew his appointment.
2. On 25 June 2019, Mr. Igunda filed an appeal of the Order before this Tribunal and the Secretary-General filed an answer on 26 July 2019.
3. On 5 August 2019, Mr. Igunda filed a motion for leave to file additional evidence seeking to include the letter he received from the Management Evaluation Unit, which was dated 12 June 2019 (the letter).
4. On 8 August 2019, the Secretary-General filed his response to Mr. Igunda's motion requesting its dismissal as the letter having been previously attached to his application before the UNDT already formed part of the appeals record. In so far as Mr. Igunda seeks to submit additional pleadings, he has failed to establish that there are exceptional circumstances warranting admission, as the letter was available to him and should have formed part of his appeal. In addition, the letter is not relevant.

5. Article 2(5) of the Appeals Tribunal's Statute provides:

In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings. ... The evidence under this paragraph shall not include evidence that was known to either party and should have been presented at the level of the Dispute Tribunal.

6. This Tribunal dismisses Mr. Igunda's motion because it does not meet the requirements of the law. Mr. Igunda fails to demonstrate the exceptional circumstances that would warrant the introduction of the letter. Additionally, he fails to provide any explanation as to how the letter would be relevant to the appeal.

7. We do not find that it would be in the interest of justice and the efficient and expeditious resolution of the appeals proceedings to adduce this document into evidence. Thus, Mr. Igunda's motion must be dismissed.

IT IS HEREBY ORDERED that Mr. Igunda's motion seeking leave to file additional evidence is **DENIED**.

Original and Authoritative Version: English

Dated this 24th day of October 2019
in New York, United States

(Signed)
Judge Sabine Knierim,
Duty Judge

Entered in the Register on this 24th day of
October 2019 in New York, United States

(Signed)
Weicheng Lin,
Registrar