



Before: Judge Thomas Laker

Registry: Geneva

Registrar: René M. Vargas M.

HE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Jia-Xiang Wang

Counsel for Respondent:

Jérôme Blanchard, UNOG

Introduction

1. By application filed in English on 13 October 2014, completed on 7 December 2014 upon the Tribunal's instruction, the Applicant, a Text Processing Clerk (G-3) at the Chinese Text Processing Unit, Division of Conference Management of the Office of the United Nations at Geneva, contests the decision not to renew her fixed-term appointment beyond 30 June 2014.
2. The Respondent filed his reply on 8 January 2015, with some annexes filed on an under seal basis.
3. On 27 February 2015, without requesting leave from the Tribunal, the Applicant filed her comments on the Respondent's reply.
4. By Order No. 164 (GVA/2015) of 31 August 2015, the Tribunal ordered that the Respondent provide it with some additional documentation and information, and that the documents filed under seal by him in his reply remain under seal.
5. The Respondent filed the requested additional information on 11 September 2015, with ten annexes filed *ex parte*.
6. On 17 September 2015, the Applicant filed a motion for disclosure of the *ex parte* documents filed by the Respondent.
7. By Order No. 185 (GVA/2015) of 2 October 2015, the Tribunal ordered, *inter alia*, that the Applicant be granted access to all but one of the *ex parte* documents filed by the Respondent.
8. By Order No. 229 (GVA/2015) of 10 November 2015, the Tribunal convoked the parties to a hearing on 26 November 2015.
9. By email of 17 November 2015 and submission through the Tribunal's eFiling portal of 20 November 2015, Counsel for the Applicant filed a motion for interpretation services from English or French to Chinese and vice-versa, for the purpose of the hearing. He noted that English was neither his nor his client's

native language, hence “to present her case and engage in a dialogue at the hearing the most appropriate language to be used [was] Chinese”.

Consideration

10. The Tribunal notes that the application and all subsequent submissions, both from Counsel for the Applicant and Counsel for the Respondent, were filed in English. At no point in the proceedings, prior to the filings of 17 and 20 November 2015, did Counsel for the Applicant advise the Tribunal that he was not in a position to present the Applicant’s case in English. Therefore, the Tribunal does not see any need for interpretation. Apart from that, the Tribunal does not intend to ask questions to the Applicant at the hearing. If Counsel for the Applicant wishes to discuss matters with his client at the hearing, he is free to do so, before responding or making oral submissions to the Court.

11. Further, the Tribunal notes that in light of the costs involved for the Organization, interpretation services are normally used only in cases where the application is filed in a language in which the sitting Judge is not able to work, or when the Tribunal considers it necessary that participants directly address the Court and they are not able to communicate in the language of the application. This is not the case here.

12. There are therefore no grounds to grant the Applicant’s motion.

Conclusion

13. In view of the foregoing, it is ORDERED that:

The Applicant’s motion be rejected.

(Signed)

Judge Thomas Laker

Dated this 23rd day of November 2015

Entered in the Register on this 23rd day of November 2015

(Signed)

René M. Vargas M., Registrar, Geneva