



Before: Judge Thomas Laker

Registry: Geneva

Registrar: René M. Vargas M.

AYE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Robbie Leighton, OSLA

Counsel for Respondent:
Karen M. Farkas, UNHCR

Introduction

1. By application filed on 14 February 2014 with the Nairobi Registry of the Tribunal, the Applicant contests the “redeployment of [his] post from [the United Nations High Commissioner for Refugees] Côte d’Ivoire offices in Abidjan to Man and subsequent non-renewal of contract for purported reason of post reclassification”.

2. The Respondent filed his reply on 19 March 2014.

3. On 18 July 2014, the Tribunal issued Order No. 180 (NBI/2014) by which it ordered the parties, *inter alia*, to make joint submissions on facts and issues, which they did on 29 August 2014. In the parties’ joint submission, they advised the Tribunal that they wished to have the matter set down for an oral hearing on the merits.

4. After seeking the parties’ views, and since neither of them objected thereto, the case was transferred to the Geneva Registry of the Tribunal by Order No. 169 (NBI/2016) of 24 March 2016.

5. The case was registered under Case No. UNDT/GVA/2016/016 and assigned to the undersigned Judge. By Order No. 74 (GVA/2016) of 12 April 2016, the parties were convoked to a hearing on 28 April 2016.

6. On 21 April 2016, Counsel for the Applicant filed a submission regarding witness evidence in the case, stressing that the provision of oral evidence by the Applicant and Respondent witnesses was necessary for the fair and expeditious adjudication of this case. Counsel for the Applicant referred to the parties’ having advised the Tribunal prior to the transfer of the case to Geneva that they wished an oral hearing, which, “in the context of the Nairobi Tribunal ... meant the parties agreed that a hearing where witnesses would provide evidence ... was required” and would have implied that the parties, in a next step, would be asked, *inter alia*, to identify witnesses to be called.

Consideration

7. The Tribunal notes that previous case management is not binding upon the Judge to whom a case is assigned upon transfer, including with respect to the convening of a hearing and on the calling of evidence. The foregoing notwithstanding, the Tribunal notes that by the above-referenced Order No. 74 (GVA/2016), the undersigned Judge convoked the parties to a hearing on the merits, which he considered necessary for the fair and expeditious adjudication of the case.

8. Pursuant to art. 18.1 of the Tribunal's Rules of Procedure, it shall determine the admissibility of any evidence and pursuant to art. 18.5 it "may exclude evidence which it considers irrelevant, frivolous or lacking in probative value".

9. The Tribunal has examined the case file and, for the time being, considers that it is not necessary, for a fair adjudication of the case, to call any witnesses. In case the undersigned Judge concludes, in the course of the hearing of 28 April 2016, that it is indicated to get further evidence, he will issue respective orders.

Conclusion

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

The Applicant's motion be rejected.

(Signed)

Judge Thomas Laker

Dated this 25th day of April 2016

Entered in the Register on this 25th day of April 2016

(Signed)

René M. Vargas M., Registrar, Geneva