



Before: Judge Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

NASTASE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Kong Leong Toh, UNOPS

Introduction

1. On 30 March 2021, the Applicant, a former staff member of the United Nations Office for Project Services (“UNOPS”), filed an application contesting the decision not to renew his contract beyond 30 November 2020.
2. On 30 April 2021, the Respondent filed his reply.
3. On 28 May 2021, the Applicant filed a motion seeking permission to file a rejoinder.
4. By Order No. 97 (GVA/2021) dated 1 June 2021, the Applicant’s motion was granted.
5. On 11 June 2021, the Applicant filed a rejoinder.
6. On 2 July 2021, the Respondent filed a motion for leave to file additional evidence in response to the Applicant’s rejoinder.
7. On 29 July 2021, the Applicant requested an extension of time to respond to the Respondent’s motion.
8. By Order No. 132 (GVA/2021) dated 30 July 2021, the Tribunal granted the Applicant’s motion.
9. On 12 August 2021, the Applicant filed a response to the Respondent’s motion dated 2 July 2021.
10. On 10 January 2022, the present case was assigned to the undersigned Judge.

Consideration

11. Art. 16.1 of the Tribunal’s Rules of Procedure provides that “the Judge hearing a case may hold oral hearings”, and UNAT jurisprudence provides that the discretion to hold an oral hearing vests in the Judge (see *He* 2016-UNAT-686 and *Nadeau* 2017-UNAT-733).

12. At the same time, art. 9.1 of the UNDT Statute confers upon it a discretion to order the production of documents or other evidence as it deems necessary, while art. 9.2 provides that the UNDT shall decide whether the Applicant or any other person is required at oral proceedings.

13. Having considered the Applicant's claim that the decision not to renew his contract was an act of retaliation by the Chief Infrastructure Operations Section ("CIOS"), and the Respondent's response that the Applicant's post was in fact abolished due to lack of funding, the Tribunal instructs the parties to inform if an oral hearing is warranted, further identifying all the relevant facts and material issues, if any, that may require a fact-finding oral hearing by this Tribunal.

Conclusion

14. In view of the foregoing, it is ORDERED THAT **by Monday, 28 February 2022**, the parties shall submit comments on the necessity of an oral hearing, further identifying the material issues of facts that may require a fact-finding hearing by this Tribunal.

(Signed)

Judge Alexander W. Hunter, Jr.,

Dated this 16th day of February 2022

Entered in the Register on this 16th day of February 2022

(Signed)

René M. Vargas M., Registrar, Geneva