



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

FERNANDEZ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Cristián Gimenez Corte

Counsel for Respondent:

Kong Leong Toh, UNOPS

Introduction

1. By application filed on 22 January 2023, the Applicant, a former staff member of the United Nations Office for Project Services (“UNOPS”), contests the decision not to renew her fixed-term appointment beyond 31 August 2022, and to separate her from service due to the abolition of her post.
2. On 22 February 2023, the Respondent filed his reply.
3. By Order No. 34 (GVA/2023) of 18 April 2023, the Tribunal invited the Applicant to file her rejoinder, which she did on 17 May 2023.
4. On 1 June 2023, the Respondent filed a motion for leave “to file evidence to address new claims in [the] Applicant’s rejoinder”.

Consideration

Motion to adduce additional evidence

5. In his motion, the Respondent requested the Tribunal’s leave to file:
 - a. A document containing information that the Applicant entered into the UNOPS online recruitment system, contradicting her claim that she is working under “the same UNOPS supervisor”; and
 - b. A statement from the UNOPS Senior Portfolio Manager refuting the Applicant’s claims concerning “UNOPS premises” and “UNOPS computer”.
6. The Tribunal recalls that pursuant to art. 18.1 of its Rules of Procedure, it shall determine the admissibility of any evidence and, under art. 18.5, it may exclude evidence it considers irrelevant, frivolous, or lacking probative value.
7. Having reviewed the evidence that the Respondent seeks to include in the case record, the Tribunal finds that there are no grounds to exclude it and will admit it. However, the Tribunal will decide during its deliberation what weight to attach to it.

8. Accordingly, the Tribunal finds it appropriate to grant the Respondent's motion to adduce additional evidence.

Closing submissions

9. Having examined the parties' submissions to date and the evidence on record, the Tribunal finds that it is fully informed on the matter and that the case can be determined on the papers without holding a hearing. Consequently, the parties can proceed to file their respective closing submission.

Conclusion

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

- a. The Respondent's motion to adduce additional evidence is granted. Accordingly, the documents listed in para. 5 above are admitted as evidence into the case record; and
- b. By **Thursday, 20 July 2023**, the parties file their respective closing submission.

(Signed)

Judge Sun Xiangzhuang

Dated this 6th day of July 2023

Entered in the Register on this 6th day of July 2023

(Signed)

René M. Vargas M., Registrar, Geneva