



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

FERNANDEZ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**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”.
5. By Order No. 73 (GVA/2023) of 6 July 2023, the Tribunal granted the Respondent’s motion to adduce additional evidence and invited the parties to file their respective closing submission by 20 July 2023.
6. On 17 July 2023, the Applicant filed a motion for leave to file evidence and a request for extension of time to file her closing submission.

## **Consideration**

### *Motion to adduce additional evidence*

7. In her motion, the Applicant requested the Tribunal’s leave to file another 12 annexes that may be pertinent to the contested facts of the matter.
8. 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.
9. Having reviewed the evidence that the Applicant 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.

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

*Extension of time to file closing submission*

11. Having reviewed the Applicant's request for extension of time and considering the circumstances of the case, the Tribunal finds it appropriate and in the interest of justice to give her five more working days to file her closing submission pursuant to art. 19.1 of the Tribunal's Rules of Procedure.

12. In line with the principle of equality of arms, the Tribunal finds it appropriate and in the interest of justice to extend by five working days the Respondent's deadline to file his closing submission in which he may comment on the newly admitted evidence.

**Conclusion**

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

- a. The Applicant's motion to adduce additional evidence is granted. Accordingly, the 12 new annexes mentioned in para. 7 above are admitted as evidence into the case record; and
- b. By **Thursday, 27 July 2023**, the parties file their respective closing submission.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 18<sup>th</sup> day of July 2023

Entered in the Register on this 18<sup>th</sup> day of July 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva