



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KANBAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Dr. Paul Morcos

Nour Audi

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR

Rosangela Adamo, AAS/ALD/OHR

Introduction

1. The Applicant is a Language Assistant at the GS-4 level working with the United Nations Interim Force in Lebanon (UNIFIL), attached to the Indonesian Battalion (INDOBATT-7-1).

2. On 6 April 2018, she filed an application with the United Nations Dispute Tribunal (UNDT) contesting a decision to redeploy her from the China Engineering Construction Unit (CHINCEU 2-3) (Sector West) to INDOBATT-7-1 (Sector East).

3. The Respondent filed a reply to the application on 11 May 2018.

4. By Order No. 165 (NBI/2019), the Tribunal directed the parties to specify the contested material facts and the evidence they intend to adduce for each of them. On 2 December 2019, both parties filed submissions in response to Order No. 165 (NBI/2019). The Tribunal, notes however, that the Applicant's submissions do not fully address the requirements of the Order. The Applicant largely reproduces what is contained in the application and declares that "she is ready to present any document, evidence or testimony, related to the case, upon the Tribunal's request".

5. The Applicant is hereby reminded that an applicant before the UNDT who contests an administrative decision other than a disciplinary measure, bears the burden of proving all relevant factual and legal contentions. It is not the Tribunal's role to select and call evidence on an applicant's behalf, especially in a case where he or she is represented by professional counsel (or, as in this case, by two of them). It is for the Applicant, therefore, to put forth such evidence as relevant and credible in order to prove illegality of the decision to redeploy her from the China Engineering Construction Unit (CHINCEU 2-3) (Sector West) to INDOBATT-7-1 (Sector East).

ORDER

6. In accordance with the aforesaid, in the event the Applicant wishes to adduce evidence, she is required to comply with Order No. 165 (NBI/2019) **not later than 4 February 2020**, by specifying:

- a. What circumstances she intends to prove;
- b. How these circumstances are relevant to the illegality of the impugned decision; and
- c. How the proposed evidence shall be adduced.

7. Upon receipt of the Applicant's submissions, the Tribunal shall decide on the necessity of a hearing.

(Signed)

Judge Agnieszka Klonowiecka-Milart
Dated this 23rd day of January 2020

Entered in the Register on this 23rd day of January 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi