



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/047

Order No.: 066 (NBI/2021)

Date: 9 March 2021

Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

RIDHA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Omar Josef Shehabi, OSLA

Counsel for the Respondent:
Angela Arroyo, UNDP

Introduction

1. The Applicant is contesting the United Nations Development Programme's decision not to renew his fixed-term appointment beyond 31 December 2018.
2. The Respondent filed a reply on 4 June 2019.
3. From 26-28 October 2020, the Tribunal held a hearing on the merits. After the hearing, given the dynamic nature of the pleadings, the Presiding Judge directed the parties to file their updated submissions by 30 November 2020.
4. On 25 November 2020, the Respondent filed a document entitled "Additional brief on reasons for abolition decision". In light of the Respondent's filing of the additional brief, also on 25 November 2020, the Applicant's Counsel, by an email sent to the Registry, requested for an extension of time to file his submissions from 30 November 2020 to 7 December 2020. The Tribunal granted the Applicant's request and the deadline to file his brief was extended until 7 December 2020.
5. On 7 December 2020, the Applicant complied and filed his brief. He however, submits that his brief should not be treated as his final submission and requests the opportunity to file closing submissions. The Applicant further states that "only if the Tribunal considers that, notwithstanding *Obdeijn*, the Applicant must adduce evidence demonstrating that the post abolition decision was unlawful does the Applicant seek the opportunity for further documentary and testimonial evidence".
6. The Tribunal considers the Applicant's position to be an implied motion to have the evidence assessed prior to the closure of evidentiary proceedings. The Tribunal recalls that the distribution of the burden of proof is defined in the jurisprudence and it is for the parties to determine their strategies and sufficiency of evidence for their case. The Tribunal, accordingly, refuses to pronounce such assessment at this point.
7. In view of the above, the Tribunal directs as follows:

ORDER

8. The parties shall inform the Tribunal not later than **16 March 2021** whether they wish to adduce any further evidence or file closing briefs, failing which the Tribunal will proceed to judgment based on the material presently before it.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 9th day of March 2021

Entered in the Register on this 9th day of March 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi