



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

THAPA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON THE ADMISSION OF EVIDENCE
AND THE APPLICANT'S MOTION TO
FILE SUPPLEMENTARY
SUBMISSIONS**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Victoria Nakaddu Mujunga, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant was seconded to the United Nations Mission to Support the Hudaydah Agreement (UNMHA) in Yemen by the Government of Nepal to serve as the Chief of the Military Advisory Unit.
2. He was recruited to the position on a one-year fixed term appointment at the P5 level. He was not renewed at the end of his one-year tenure, and challenges that decision. He also challenges comments made in respect of his performance when he was appraised.
3. The Respondent replied to the application on 10 January 2025. The Respondent submits that there was no expectation of renewal; and that there is a policy in place limiting the tenure of UN Military Experts on Mission to one year unless exceptional circumstances require extension. With respect to the Applicant's performance, the Respondent submits that this aspect of the application cannot be reviewed by the Tribunal because the comments at issue were removed from his performance appraisal, thus making the issue moot.
4. On 7 March 2025, the Tribunal issued Order No. 28 (NBI/2025), directing the Applicant to respond to the Respondent's reply by 28 March 2025. The Applicant filed his rejoinder on 26 March.
5. On 16 April 2025, the Respondent filed a motion to produce additional evidence and, with it, the evidence itself marked as R/16. The Applicant responded to this motion two days later on 18 April, with an affidavit.
6. On 10 August 2025, the Applicant filed a motion to file supplementary submissions. The Respondent did not respond to this motion.
7. On 17 August 2025, the Applicant filed a document "Applicant's Rejoinder: Resubmission in Prescribed Form."

Consideration

8. The Tribunal has considered the parties' submissions as listed above. The Applicant has not objected to the filing of R/16 and has responded to it with his affidavit. The Tribunal therefore admits both documents into the record.

9. The Applicant's motion to file further submissions in response to the Respondent's reply includes requests for disclosure. Specifically, the Applicant requests that the Tribunal "[d]irect the Registry to obtain the medical records and statements identified in paragraph 2.2(c)-(d)".

10. The medical records apparently relate to the Applicant's "treatment for stress and sleep disorder." As the patient, the Applicant clearly has access to these records and should obtain his own medical records and tender them to the Tribunal to the extent he considers them relevant to these proceedings.

11. The Applicant also requests the Tribunal to direct the Registry to obtain statements from four people - Chief of Mission Support (CMS), Chief Human Resources Officer (CHRO), Chief of Staff (COS), and Deputy Head of Mission (DHOM) - confirming certain facts. The motion does not indicate that the requested statements already exist and, if so, why they were created or where they can be found. Instead, it appears to be a request to have statements created by these individuals under the assumption that they will confirm the facts that Applicant alleges. The Tribunal finds this motion to be beyond the scope of art. 9.1 of the Statute of the UNDT and rule 18 of the Rules of Procedure; and unnecessary for the fair and expeditious disposal of this case.

12. The Tribunal also finds that the "supplementary submissions" that the Applicant wishes to make regarding a more systematic argument can properly take the form of a closing submission.

Conclusion

13. The Tribunal makes the following ORDERS:

- a. The Respondent's motion to adduce further evidence is GRANTED and R/16 is admitted into the record;
- b. The Applicant's affidavit in response to R/16 is admitted to the record;
- c. The Applicant's motion to file supplementary submissions is DENIED;
- d. The Applicant is allowed to file any additional documents he deems relevant to these proceedings (medical records, statements from the CMS, CHRO, COS and DHOM) by Monday, 1 September 2025;
- e. The parties are directed to file their respective closing submissions (based on the record as it exists on 1 September 2025) by **Wednesday, 1 October 2025**.

(Signed)

Judge Sean Wallace

Dated this 18th day of August 2025

Entered in the Register on this 18th day of August 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi