



**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**

**ON MOTION FOR  
RECONSIDERATION**

---

**Counsel for Applicant:**  
Katya Melluish, OSLA

**Counsel for Respondent:**  
Nicole Wynn, ALD/OHR, UN Secretariat  
Nusrat Chagtai, ALD/OHR, UN Secretariat

1. On 12 May 2020, the Applicant requested to recall a witness previously heard by the Tribunal and to allow said witness to provide testimony on the emotional harm/moral damage to the Applicant.
2. The Applicant recalls that she had requested to present the witness in question instead of a previously approved witness due to provide evidence on the access to medical care at the premises of the International Residual Mechanism for Criminal Tribunals (“IRCMT”).
3. By Order No. 80 (NY/2020) of 24 April 2020, the Tribunal granted the Applicant’s request to substitute witnesses given that the proposed testimony would remain the same.
4. The Applicant now claims that she is required to submit additional evidence on moral damages through the witness in question because of recent jurisprudence of the Appeals Tribunal. Accordingly, the Applicant states that she must be allowed to present her case fully in relation to the area of moral damages. She therefore moves the Tribunal to allow the witness to be recalled to provide the required additional testimony related to her claim of moral damages.
5. Having carefully reviewed the Applicant’s submissions along with the entire procedural history in this case, the Tribunal is not satisfied that the Applicant has shown exceptional circumstances for this late request. She had ample opportunity since the case management commenced to identify which witnesses would best support her claims.
6. The Applicant has not established that there is newly discovered evidence, a misapprehension of facts or cited a new law including abolition or amendment to a cited appellate case or controversy which would mandate relief.

7. Furthermore, the Tribunal recalls that the Appeals Tribunal's jurisprudence does not impose a minimum number of witnesses to support claims of moral damages and leaves it to the trier of fact to evaluate the adequacy of the evidence presented. In the present case, with her own testimony, the Applicant will substantially, if not completely, cover this issue (based on the arguments and documentation contained in the case file) and she has already presented oral testimony from another witness on the matter.

8. In light of the above,

IT IS ORDERED THAT:

9. The motion is dismissed.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 14<sup>th</sup> day of May 2020