



Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

MUC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Federica Midiri, UNDP

Introduction

1. On 18 August 2020, the Applicant, a staff member with the United Nations Development Programme (“UNDP”), filed an application contesting her exclusion from a selection process for the Investigations Advisor post in the UNDP Office of Audit and Investigation (“OAI”) and UNDP’s failure to inform her of her exclusion.

2. On 24 March 2021, by Order No. 29 (NY/2021), the Tribunal granted the Applicant’s request for the disclosure of additional documents related to the internal consultations held in 2016 and 2020 regarding the Applicant’s circumstances that led to the contested decision. The Tribunal also stated that it will consider whether any additional oral or documentary evidence is required thereafter.

3. On 6 April 2021, the Respondent produced additional documents in accordance with the Tribunal’s Order.

Consideration

4. The Tribunal recalls that the very purpose of producing evidence—written or oral—is to substantiate the specific relevant facts on which the parties disagree. Accordingly, the production of additional evidence is only required in trial if a fact is relevant and disputed (in line herewith, see *Abdellaoui* 2019-UNAT-929, para. 29, and *El-Awar* 2019-UNAT-931, para. 27).

5. Therefore, should a party request an oral hearing, said party shall specifically identify the relevant witness and clearly indicate which of the disputed facts such additional evidence is intended to support. In this regard, the Tribunal notes that the Appeals Tribunal has prohibited a so-called “fishing expedition”, whereby one party requests the other party to produce evidence in “the most general terms” (see, for instance, *Rangel* Order No. 256 (2016)). A party requesting certain evidence must therefore be able to provide a certain degree of specificity to her/his request.

6. Having reviewed all the documents on file, the Tribunal does not see the need for additional evidence.

7. However, given that the Applicant had requested an oral hearing prior to the disclosure of additional documentation, the Tribunal will allow the Applicant to state whether she still requests an oral hearing and if so, the reasons for her request.

8. In light of the above,

IT IS ORDERED THAT:

9. By **4:00 p.m. on Monday, 26 April 2021**, the Applicant shall file a submission stating whether she requests additional evidence, and if so, provide the identity of any witness(es), who she wishes to call, and what disputed fact(s) each of these witnesses would testify about, also setting out the proposed witness's testimony in writing. This written witness statement may also be adopted as the examination-in-chief at a potential hearing if the party leading the witness should wish to do so.

(Signed)

Judge Joelle Adda

Dated this 16th day of April 2021