



Before: Duty Judge
Registry: New York
Registrar: Isaac Endeley

N'DAW

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Kalaycia Clarke, OSLA

Counsel for Respondent:

Yun Hwa Ko, UNFPA

André Luiz Pereira de Oliveira, UNFPA

Introduction

1. On 2 June 2022, the Applicant, a former staff member of the United Nations Population Fund (“UNFPA”) filed an application with the Tribunal contesting the decision to terminate her appointment for facts anterior, which if they had been known at the time of her appointment, would have precluded her employment with UNFPA. In her application, the Applicant requested a hearing and included a motion for disclosure by which she requested the Tribunal to order the disclosure of certain correspondence involving UNFPA.
2. On 10 June 2022, the Applicant filed a motion requesting the Tribunal to admit evidence of harm allegedly resulting from the contested UNFPA decision.
3. On 15 June 2022, the Respondent filed a response to the Applicant’s motion to adduce evidence of harm urging the Tribunal to deny it.
4. On 29 June 2022, the Respondent filed a reply to the application requesting the Tribunal to dismiss it in its entirety.
5. On 1 July 2022, the Applicant filed a motion to file a rejoinder to the reply.

Considerations

6. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.
7. Having taken into consideration the pleadings of the parties, the Tribunal has concluded that the Applicant should be given an opportunity to comment on the Respondent’s reply. Should further clarification be required, the parties will be informed of the date for a case management discussion (“CMD”) once the case is assigned to a judge for adjudication.

IT IS ORDERED THAT:

8. On or before 3 March 2023, the Applicant shall file a rejoinder to the Respondent's reply, with a specific focus on its para. 22 and Annex R/3, and state whether she wishes to adduce any further evidence.

9. The Applicant's motion for disclosure, her motion to admit evidence of harm, and her request for a hearing shall be ruled on once the case is assigned to a judge.

(Signed)

Judge Joelle Adda

Dated this 17th day of February 2023