



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/009
Order No.: 033 (NY/2023)
Date: 24 April 2023
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Bettina Gerber, LPAS/UNOG

Introduction

1. By Order No. 022 (NY/2023) dated 28 March 2023, the Tribunal ordered the Respondent, *inter alia*, at paragraph 33 “to disclose to the Applicant a list of all occasions over the past five years in which OHCHR has decided not to select the hiring manager’s first-ranked candidate, including a statement of reasons for each such decision.” This was based on the Respondent’s statement that he “stands ready to provide such information if the Tribunal deems relevant.”

2. On 18 April 2023, the Respondent filed a motion requesting the Tribunal to vary the order. According to the Respondent, he is “not in a position to provide the information to the extent ordered.” He proposes instead “to produce a list of about 40 examples between 2021 and 2023 in which the first-ranked candidate was not selected.” The Respondent also notes that “it will not be possible to provide a statement of the reasons for each selection decision” and that the data should be communicated “without nominative information to protect the privacy interests of third parties.”

Considerations

3. 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.

4. Having considered the Respondent’s motion and the justifications provided, the Tribunal finds it appropriate to vary paragraph 33 of Order No. 022 (NY/2023).

IT IS ORDERED THAT:

5. The Respondent is hereby granted two additional weeks and shall comply with the requirements of Order No. 022 (NY/2023) **by 3:00 p.m. on Tuesday, 9 May 2023.**

6. Paragraph 33 of Order No. 022 (NY/2023) is hereby amended to read as follows: The Applicant's request for the production of evidence is granted in part and the Respondent is ordered to disclose to the Applicant a list of examples between 2021 and 2023 in which the first-ranked candidate was not selected. This data shall be communicated without the names of candidates or other identifying information in order to protect the privacy interests of third parties.

7. All other aspects of the Order shall remain unchanged.

(Signed)

Judge Joelle Adda

Dated this 24th day of April 2023