

Introduction

1. On 3 November 2015, the United Nations Dispute Tribunal issued Order No. 352 (NBI/2015) Paragraph 6 ~~that Order stated that~~ the parties should

a.

4. During the CMD, the Tribunal clarified with Counsel the disputed facts in the case and asked the parties if they intended to call any witnesses in relation to those disputed facts. The Applicant told the Tribunal she would call three witnesses: Ms. Mariam Kirollous, Mr. Christopher Opa and Mr. Mudathir Ali She provided some limited information about the matters on which these witnesses were to provide evidence. In light of the contested facts and the witnesses put forward by the Applicant, the Respondent proposed that the Tribunal hear evidence from Mr. Jorg Kuhnel.

5. By Order No. 187 (NBI/ Tm ses

Motion to exclude evidence

14. The Respondent objects to the inclusion of Ms. Bilal's and Mr. Abdallah's statements of evidence in the proceedings and the proposed future inclusion of a statement of evidence for Mr. Getachew. The Respondent further objects to Ms. Bilal, Mr. Abdallah and Mr. Getachew being heard during the proceedings.

15. The Respondent submits that the Applicant, who is represented by Counsel, had ample time to propose these additional witnesses in response to the Tribunal's

Considerations

18. In light of the comprehensive CMD on 6 April 2016 between the Tribunal, Counsel for the Respondent, Counsel for the Applicant and the Applicant and the subsequent case management order dated 7 April 2016 which reflected ~~ed the~~ of that discussion, the Tribunal expresses its deep concern ~~at~~ the motion filed by the Applicant late on 27 April 2016 which sought to admit additional evidence and witnesses for a hearing scheduled to commence ~~on~~ 3 May 2016, which is only two working days ~~away~~.

19. The Tribunal has the following powers pursuant to the Rules of Procedure of the UNDT:

Article 18 Evidence

1. The Dispute Tribunal shall determine the admissibility of any evidence.

2. The Dispute Tribunal may order the production of ~~evidence~~ for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute

20. As recorded in Order No. 187 (NBI/2016),the oral evidence at the hearing will be limited to the facts which are in dispute which were set out in the Order.

21.

25. As the deadline for providing statements of evidence has expired, no further witnesses will be admitted to give evidence other than those identified and confirmed by the parties at the CMD.

26. Finally, the statements of evidence and the proposed additional documents proposed by the Applicant have been filed in a form that renders them virtually illegible to the Tribunal. They must be submitted again through CCMS in a legible manner. In addition, all statements of evidence are to include the following declaration: "This statement that it is true to the best of my knowledge and belief"

27. No further interlocutory Applications will be entertained by the Tribunal before the commencement of the trial on 3 May 2016.

Orders

28. The Applicant's motion to admit the additional undated document "subject Farewell thoughts Message to UNDP senior management" is refused.

29. The Applicant's motion to admit the e-mail correspondence between her and Reem Bilal dated 23 April 2016 and 25 April 2016 respectively as well as a letter from Ms. Bilal addressed to All UNDP Compound Sudan et al dated 28 January 2014 is granted.

30. The Applicant's motion to admit the e-mail correspondence between her and Faisal Abdallah dated 20 April 2016 and 26 April 2016 respectively as well as the letter dated 17 April 2014 from Mr. Abdallah addressed to All UNDP Compound Sudan et al is granted.

31. The Applicant's motion to admit a letter from Getachew Aden Tahir is refused.

32. The Respondent's motion to admit the following additional evidence is granted:

- a. Letter, and emailn support of, the nonrenewal of Mr. Christopher Opar.
- b. Decision by the Office of Human Resources to classify the External Relations Specialist at the4Plevel.

33. By 11 a.m. on 29 April 2016the Applicant is to file with the Tribunal the following:

- a. A fully legible copy of the Applicant's statement of evidence which incorporates her additional evidence set out in Annex 30 to her motion to admit additional evidence dated 27 April 2016. The Applicant's statement of evidence must contain a statement that is true to the best of her knowledge and belief.
- b. A fully legible copy of the statement of evidence of Ms. Mariam Kirollous. This statement of evidence must contain a statethatit is true to the best of her knowledge and belief.
- c. A fully legible copyof the statement of evidence of Christopher Opar. This statement of evidence must contain a statethatit is true to the best of his knowledge and belief
- d. A fully legible copy of the statement of evidence of Mr. Mudathir Ali. This statement of evidence must contain a statethatit is true to the best ofsh knowledge and belief.

(Signed)

JudgeCoral Shaw