

Case No.: UNDT/NBI/2024/018
Order No.: 169 (NBI/2024)
Date: 20 December 2024

Introduction

1. On 14 May 2024, the Applicant, a staff member at the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application contesting several administrative decisions which he describes as:
 - a. Unjustified delays in processing his medical accommodation request;
 - b. A premature performance rating;
 - c. A Rebuttal Panel decision;
 - d. Contract renewal limitations;
 - e. Discontinuation notices;
 - f. Partial justification of the non-renewal of his fixed-term appointment (“FTA”);
 - g. Discriminatory and/or retaliatory contract expiry alignment; and
 - h. Determination of “no *prima facie* case of retaliation” by the UNHCR’s Ethics Office without initiating a formal investigation.
2. The Respondent filed a reply on 27 June 2024.
3. On 24 July 2024, the Tribunal issued Order No. 91 (NBI/2024) directing the Applicant to file a rejoinder, to submit a list of all witnesses whose testimony he believes requires an oral hearing and the substance of their anticipated testimony.
4. The Applicant filed the rejoinder on 4 September 2024.
5. On 5 September 2024, the Applicant filed five motions.
 - a. Motion to submit medical reports
 - b. Motion to indicate witness and substance of testimony.
 - c. Motion to submit rebuttal meeting recording.
 - d. Motion for production of evidence - the Applicant requests the Tribunal:

- i. To order the Respondent to provide proof that the non-renewal decision was put on hold when he initiated the rebuttal process.
 - ii. To direct the Respondent to submit evidence explaining how the decision to select his position for non-renewal was reached, including the underlying rationale for this choice.
 - e. Motion to submit additional relevant judgments.
6. On 19 September 2024, the Respondent filed a response objecting to the Applicant's request for oral hearing for the following reasons:
- a. The Respondent submits that an oral hearing is not warranted for the fair and expeditious disposal of the case.
 - b. It is unclear why and how the Applicant would be able to explain his case and submissions with necessary clarity in an oral hearing given the fact

a response to a motion filed by a party shall be filed within five working days of service of the motion on that party. *Id.* Para. 6.

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