

Case No.: UNDT/NY/2009/084/  
JAB/2009/048

## Introduction

1. In their responses to the Judge's inquiry included in email from the Registry of 28 January 2010, the parties confirmed that case may be handled on the papers.
2. After handling the matter of receivability and other preliminary issues in its prior orders and emails, in Order No. 16 (NY/2011) of 12 January 2011, the Tribunal instructed the parties to file and serve their closing statements.
3. The closing statements were to include "the contentions which the Applicant intends to submit and not make any references to any previous written submissions", and be filed and served in the following order: first, the Applicant was to submit her statement; then, the Respondent was to submit his statement; and, finally, the Applicant was to provide her comments to the Respondent's closing statement.
4. By email of 31 January 2011, the Applicant filed and served her closing statement (after submitting a wrong attachment on 29 January 2011).
5. After being granted a time extension in Order No. 28 (NY/2011) of 1 February 2011, the Respondent by email of 8 February 2011 filed and served his closing statement.
6. By email of 9 February 2011, the Applicant filed and served a "Motion to strike out portions of the Respondent's closing statement". In this motion the Applicant, inter alia, stated as follows:

1. I hereby object to the conduct of Counsel for the Respondent and hereby move the Tribunal to strike from the pleadings in this matter all references in the closing statement of the Respondent relating to alleged abuse of my supervisor [name of the Applicant's supervisor] during the preparation of my e-PAS and attacks on my professional integrity for the following reasons.

...



Respondent has essentially admitted it has done the present case; if the situation were otherwise, the opposing party would be denied the opportunity to appropriately challenge the said facts and evidence.

11. The Dispute Tribunal's legal authority to decide on such matters derives from its Statute and Rules of Procedure. Pursuant to art. 18.1 of the Rules of Procedure, the Tribunal is obliged to "determine the admissibility of any evidence". Furthermore, art. 19 of the Rules of Procedure permits the Tribunal to, "at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties". Finally, art. 36.1 of the Rules of

filed on 15 June 2009 and Counsel for the Respondent filed his reply on 25 August 2009, i.e. about a year and a half before the date of the present Order. After the case was transferred to the Dispute Tribunal on 31 June 2009, both parties have additionally filed numerous submissions with the Tribunal regarding both the substantive and procedural matters of the cas