
UNITED NATIONS DISPUTE TRIBUNAL

Case Nos: UNDT/NE/2022/004

Order No: 082(NBT/2022)

Date: 15 July 2022

Original: English

Introduction

1 On 8 July 2022, the Tribunal held a case management discussion (“CMD”) in this case. Following the CMD, the Applicant filed a motion to strike out what he termed as the secret recording (audio and transcription), paragraph 26 of the Respondent’s reply and annex 7 of the reply.

2 On 12 July 2022, the Respondent filed his submissions in response to the Applicant’s 8 July 2022 motion to strike.

3 On 13 July 2022, the Applicant filed a motion for leave to file a rejoinder to the Respondent’s 12 July 2022 submissions. In the rejoinder, the Applicant requests the Tribunal to issue an order to schedule a hearing where the evidentiary admissibility issues raised in the 8 July 2022 motion could be further argued orally for a ruling prior to any hearing on the merits of the case.

Deliberations

4 The contents of paragraph 26 of the Respondent’s reply and annex 7 to the reply are new submissions and/or proposed evidence at best. Objections to such materials can only amount to mere disagreements with the opposite party’s submissions and proposed evidence which is natural. Such disagreements do not constitute a ground for a motion to strike out the contested materials.

5 As the Appeals Tribunal has held in *Beziichei*¹, it is not up to a party to request that the Tribunal strike out each and every argument they do not agree with,

7 It is the role of the Dispute Tribunal to determine the admissibility of evidence and the weight to be attached to it² This should be done in the final judgment preparation process rather than being done in the piecemeal manner proposed by the Applicant. The suggestion that there should be a hearing to determine the admissibility of specified pieces of evidence if granted would lead to an unhealthy situation where the Tribunal would conduct mini hearings and draft a multiplicity of micro judgments before the main hearing and final judgment, which would be detrimental to judicial economy.