

Case No.: UNDT/NBI/2023/036

Introduction

1. By Order No. 167 (NBI/2023), the parties were directed to file closing submissions on or before 1 December 2023.

2. Both parties complied with the Order and filed their respective closing submissions as directed. In his closing submission, the Applicant, for the first time, raised new irregularities in the recruitment process, adduced new evidence and attached numerous annexes that he had not raised in his application or in his previous submissions to the Management Evaluation Unit.

3. On 20 December 2023, the Respondent filed a motion requesting the Tribunal to strike from the record the annexes to the Applicant's closing submission. The Respondent contends that some annexes are irrelevant while others are confidential.

4. On 23 December 2023, the Applicant filed a response to the Respondent's said motion. The Applicant submits that pursuant to art. 18.1 of the Dispute Tribunal's Rules of Procedure, the Tribunal has broad discretion to determine the admissibility of evidence and the weight to accord the evidence before it. He further contends that Order No 167 (NBI/2023) did not forbid the presentation of new evidence.

Consideration

5. It is the role of the Dispute Tribunal to determine the admissibility of evidence and the weight to be attached to it (*Messinger* 2011-UNAT-123, para. 33).

6. In relation to the Respondent's motion to strike the annexes to the Applicant's closing submission, the Tribunal notes that this shall be done in the final judgment rather than being done in the manner proposed by the Respondent.

7. Accordingly, the Tribunal is of the view that, if he so wishes, the Respondent may file further submissions on the new evidence adduced by the Applicant.

Conclusion

8. In view of the foregoing, IT IS ORDERED that on or before **Tuesday, 20 February 2024**, , er201005sof wishes(,)-41sIfilTfur8erTsubmisusios, on