

Introduction

1. By Order No. 069 (NY/2023) dated 14 August 2023, the Tribunal granted in part the Applicant request for disclosure of documents and instructed the Respondent to file: (a) all correspondence between UNFPA and *The New Humanitarian* (b) any correspondence

2. After requesting and receiving an extension of the deadline, the Respondent complied with the instruction on 20 September 2023. However, the Respondent file some of the documents contained in the submissions on an *ex parte* basis because they contain confidential information.

3. submissions objecting to the *ex parte* filings and requesting the disclosure of all the documents contained in those filings. The Applicant also stat respond at the appropriate time during the course of these proceedings to the legal submissions of 20 September 2023.

Considerations

Applicable legal framework

5. The relevant provisions in effect at the time of the events read as follows:

Regulation 9.3

(a) The Secretary-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance with the terms of his or her appointment or for any of the following reasons:

(v) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Charter, have precluded his or her appointment;

Rule 9.6

(c) The Secretary-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance with the terms of the appointment or on any of the following grounds:

(v) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Charter of the United Nations, have precluded his or her appointment;

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will be removed from the case file, and the Tribunal will not take them into

