



No. 2016-949

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party. On its own volition, the Tribunal may order the production of evidence if it is in the interest of justice and the efficient and expeditious resolution of the case, provided that the Appeals Tribunal shall not receive additional written evidence if it was known to the party seeking to submit the evidence and should have been presented to the Dispute Tribunal.

4. In the present case, the new documents which Ms. Tsoneva seeks to introduce date back to 2013 and 2014 and were both in her possession during the proceedings before the UNDT. Yet, she failed to submit the documents to the UNDT. We have previously held that “[a]ll evidence is to be submitted to the UNDT. Under Article 2(5) of the Appeals Tribunal’s Statute, we can, in exceptional circumstances, admit further evidence. But we will not admit evidence which was known to the party and could have, with due diligence, been presented to the UNDT. The UNDT is not a dress rehearsal.”<sup>1</sup>

5. For the foregoing reasons, I find that in the present case, no exceptional circumstances exist warranting the admission of these documents into evidence in the interest of justice.

IT IS HEREBY ORDERED THAT Ms. Tsoneva’s motion is denied. The Registrar is instructed to redact the references to annexes 1 and 2 in Ms. Tsoneva’s answer form and to remove annexes 1 and 2 to the answer before transmitting it to the Secretary-General.

Original and Authoritative Version: English

Dated this 11<sup>th</sup> day of January 2017  
in Port of Spain, Trinidad & Tobago.

(Signed)  
Judge Deborah Thomas-Felix,  
President

Entered in the Register on this 11<sup>th</sup> day of  
January 2017 in New York, United States.

(Signed)  
Weicheng Lin, Registrar

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<sup>1</sup> Shakir v. Secretary-General of the United Nations , Judgment No. 2010-UNAT-056, para. 1.