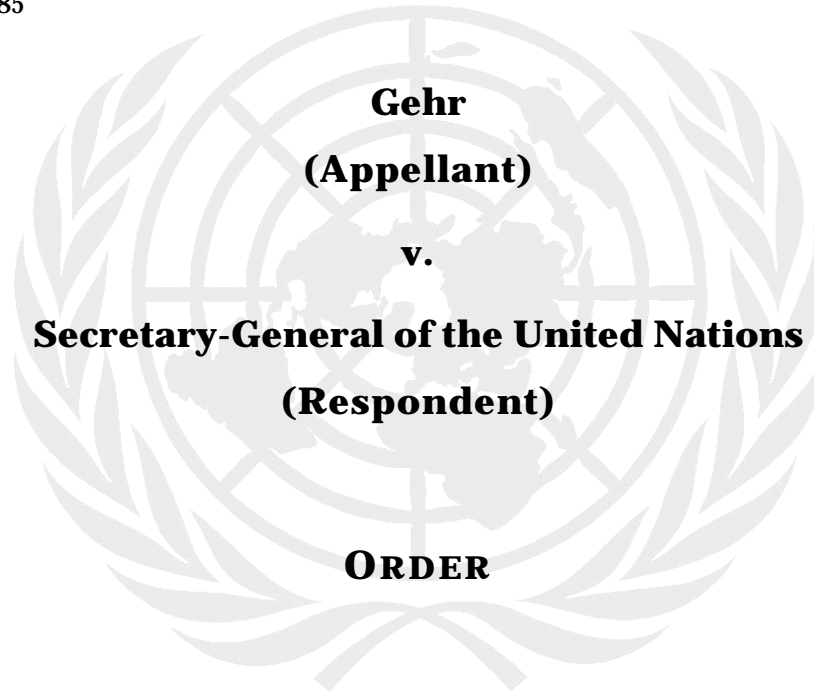




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2012-285



**Gehr
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

ORDER

Before: Judge Sophia Adinyira, President
Judge Inés Weinberg de Roca
Judge Mary Faherty

Order No.: 95 (2012)

Date: 20 June 2012

Registrar: Weicheng Lin

Counsel for Appellant: Self-represented

Counsel for Respondent: Wambui Mwangi

I, JUDGE SOPHIA ADINYIRA, President of the United Nations Appeals Tribunal (Appeals Tribunal),

BEING SEIZED of the “Motion for oral and public hearings by electronic means” filed by Mr. Walter Gehr on 12 June 2012;

NOTING the “Respondent’s Observations on the Appellant’s Motion for Oral and Public Hearings by Electronic Means”, filed by the Secretary-General on 13 June 2012;

NOTING Judgment No. UNDT/2011/211, rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva in the case of *Gehr v. Secretary-General of the United Nations* on 14 December 2011;

NOTING that Mr. Gehr has appealed the UNDT Judgment on 12 January 2012;

NOTING that by Order No. 91, the Appeals Tribunal granted Mr. Gehr’s request for an oral hearing and ordered, pursuant to Article 18 of the Rules of Procedure of the Appeals Tribunal (Rules), that an oral hearing be held at the United Nations Office at Geneva on Monday, 25 June 2012, at 3:30 p.m.;

NOTING that Mr. Gehr requests that the Appeals Tribunal order that his oral hearing be held by electronic means pursuant to Article 18(2) of the Rules because his physical appearance before the Tribunal would involve costs amounting to one quarter of his income;

NOTING that pursuant to Article 18(2) of the Rules, “[i]n appropriate circumstances, the oral hearing may be held by electronic means”;

CONSIDERING that in this case, Mr. Gehr’s physical presence is not required to ensure the fairness of the proceedings;

FINDING therefore that it is appropriate in the circumstances of the case that Mr. Gehr be allowed to participate in the oral hearing by electronic means;

NOTING Mr. Gehr’s request that the Organization ensure his participation via video-link from the United Nations Office at Vienna;

CONSIDERING that it is the responsibility of the party requesting the oral hearing to make arrangements to participate in the hearing;

FINDING therefore that it is Mr. Gehr's responsibility to make the necessary arrangements to make himself available to appear before the Appeals Tribunal;

FURTHER NOTING Mr. Gehr's request that the hearing be retransmitted by audio- and/or video-stream to the monitors and/or phones of the staff in Vienna;

NOTING that pursuant to Article 8(4) of the Statute of the Appeals Tribunal, "[t]he oral proceedings shall be held in public unless the Appeals Tribunal decides, at its own initiative or at the request of either party, that exceptional circumstances require the proceedings to be closed";

CONSIDERING that it is within the discretion of the Appeals Tribunal to determine the place of the oral hearing and that the requirements under Article 8(4) of the Statute of the Appeals Tribunal are satisfied if the courtroom where the oral hearing is held is open to the public;

FINDING therefore no grounds for Mr. Gehr's request that the hearing be retransmitted by audio- and/or video-stream to the monitors and/or phones of the staff in Vienna;

FOR THE FOREGOING REASONS,

GRANT the motion **IN PART,**

AUTHORIZE Mr. Gehr to participate in the oral hearing by electronic means;

DENY the remainder of the Motion.

Original and Authoritative Version: English

Dated this 20th day of June 2012 in Geneva, Switzerland.

(Signed)

Judge Adinyira, President

Entered in the Register on this 20th day of June 2012 in Geneva, Switzerland.

(Signed)

Weicheng Lin, Registrar