



Before: Judge Thomas Laker

Registry: Geneva

Registrar: René M. Vargas M.

NADEAU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Elizabeth Gall, ALS/OHRM, UN Secretariat

Introduction

1. By application filed on 29 May 2015, the Applicant contests the decision of the Under-Secretary-General for the Office of Internal Oversight Services (“USG/OIOS”), refusing to establish a fact-finding panel following the Applicant’s complaint of harassment and abuse of authority pursuant to ST/SGB/2008/5.
2. The application was registered under Case No. UNDT/NY/2015/032 and served to the Respondent.
3. On 5 June 2015, the Applicant filed a motion for interim measures pending proceedings requesting, *inter alia*, that the USG/OIOS be “ordered to appear to give testimony before her [upcoming] separation from the Organization [in September 2015]”, which was rejected by the Tribunal by Order No. 116 (NY/2015) of 12 June 2015.
4. On 24 June 2015, the Applicant filed a further motion for a disposition/precognition in *facie curiae* pending proceedings pursuant to art. 9 of the Statute of the United Nations Dispute Tribunal.
5. The Respondent filed his reply to the application on the merits on 29 June 2015, stating, *inter alia*, that the application was not receivable.
6. By Order No. 129 (NY/2015) of 1 July 2015, the Tribunal required the Applicant to file a submission by 24 July 2015, addressing, *inter alia*, the receivability contentions raised by the Respondent, following which the Tribunal would give further directions regarding the conduct of this matter.
7. On 24 July 2015, the Applicant filed his response in French, having previously filed his pleadings and submissions in English.
8. By Order No. 178 (NY/2015) dated 5 August 2015, the Tribunal instructed the parties to attend a case management discussion (“CMD”) on 11 August 2015.

9. After the CMD, by Order No. 184 (NY/2015) of 13 August 2015 the Tribunal ordered—with the parties’ consent—that the case be transferred to Geneva. In said Order, the Tribunal noted that at the CMD, the Tribunal enquired whether the Applicant intended to file any further submissions in French and whether he was requesting for the proceedings to be in the French language. The Applicant stated that French was his mother tongue with which he was more comfortable, and that as a lawyer he always preferred to make his submissions and arguments in French. The examination of witnesses would be in the language of the witness, that is English or French. The Respondent had no objections to the transfer, and both parties agreed to the change of venue to Geneva where the case was registered under Case No. UNDT/GVA/2015/152.

10. Upon instructions of the undersigned Judge, to whom the case was assigned for logistical reasons, the Registry enquired with the parties’ about their availability for a case management discussion in early September/October, and informed them that upon the transfer, the CMD would be conducted in French and that no translation would be provided.

11. Counsel for the Respondent informed the Registry that “he [would] be unable to participate [at the CMD] on the proposed dates unless translation services [were] provided”.

12. On 26 August 2015, the Applicant filed a motion for submission of additional evidence.

Consideration

13. In view of the parties’ submissions, and pursuant to art. 19 (Case management) of its Rules of Procedure, the Tribunal deems it appropriate to convoke the parties to a CMD. The Applicant’s motion of 24 June 2015 and of 26 August 2015 will be addressed at the CMD.

14. The Tribunal notes with surprise that the Respondent is not in a position to be represented by Counsel able to participate in the proceedings in French, i.e. one of the working languages of the Organization. Since interpretation services will

have to be provided, the Tribunal further notes with concern that additional costs for the Organization will arise because the interpretation services of the United Nations Office at Geneva will have to recruit interpreters for the CMD.

IT IS ORDERED THAT:

15. The parties attend a CMD, where interpretation services will be arranged for, on **Wednesday, 7 October 2015, at 3 p.m.** (Geneva time).

16. The Registry inform the parties in due course of the logistical details in relation to the hearing.

(Signed)

Judge Thomas Laker

Dated this 31st day of August 2015

Entered in the Register on this 31st day of August 2015

(Signed)

René M. Vargas M., Registrar, Geneva