



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2019/026
UNDT/GVA/2019/053
Order No.: 21 (GVA/2021)
Date: 2 February 2021
Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: Geneva

Registrar: René M. Vargas M.

ALTINGER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON CASE MANAGEMENT
AND NOTICE OF
CASE MANAGEMENT DISCUSSION**

Counsel for Applicant:

Victor Rodriguez

Counsel for Respondent:

Alan Gutman, AAS/ALD/OHRM, UN Secretariat

Notice: this Order has been corrected in accordance with article 31 of the Rules of Procedure of the United Nations Dispute Tribunal.

Introduction

1. The Applicant was the Regional Adviser on Climate Change at the Economic and Social Commission for Asia and the Pacific (“ESCAP”). She encumbered this post on a fixed-term appointment at the P-5 level and was based in Bangkok.
2. She has two applications before the Geneva Registry of the United Nations Dispute Tribunal.
3. On 3 April 2019, she filed an application to challenge the Respondent’s decision to not renew her fixed-term appointment beyond 31 December 2018. This case was registered under Case No. UNDT/GVA/2019/026.
4. On 8 May 2019, the Respondent filed his reply and moved the court to strike out the application on grounds of receivability and on its merits.
5. On 5 September 2019, the Applicant filed an application challenging the Respondent’s treatment of her complaint pursuant to ST/SBG/2008/5 (Prohibition of discrimination, harassment, including sexual harassment and abuse of authority). This case was registered under Case No. UNDT/GVA/2019/053.
6. The Respondent filed his Reply to this application on 7 October 2019. It is the Respondent’s case that the impugned decision is legal, reasonable and procedurally fair, and that it was rational and reasonable for the responsible official to have decided as he did after examining the allegations in the complaint.

Considerations and Order

7. The Tribunal has reviewed the parties’ submissions to date and considers that a case management discussion (“CMD”) would facilitate fair, efficient and expeditious management and disposal of these cases. Given the nature of the matter at hand in Case No. UNDT/GVA/2019/053, the Tribunal decides to hold the CMD *in camera*. The Tribunal reserves its decision concerning the modalities for a hearing on the merits, if any.

8. A CMD will take place on **Tuesday, 16 February 2021 at 12 p.m. (Geneva time)** using Microsoft Teams. At the CMD, the Tribunal and the parties will:

- a. Ascertain whether the parties are amenable to both these matters being resolved *inter partes*;
- b. Identify the factual and legal issues to be determined;
- c. Consider the prospect of consolidation of the two matters;
- d. Ascertain if there are any pending motions or disclosure issues that need to be resolved;
- e. Consider the possibility of either/both these cases being decided on the basis of the parties' written submissions or if an oral hearing will be necessary; and
- f. Discuss any other matter relevant to these proceedings.

9. As the CMD is being held virtually with all parties appearing from their respective locations, the parties are requested to confirm to the Geneva Registry their contact details by **Monday, 8 February 2021 (COB Geneva time)**.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 2nd day of February 2021

Entered in the Register on this 2nd day of February 2021

(Signed)

René M. Vargas M., Registrar, Geneva