



Before: Judge Francesco Buffa

Registry: Geneva

Registrar: René M. Vargas M.

REITERER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Miryoungh An, AAS/ALD/OHR, UN Secretariat

Introduction

1. On 28 August 2019, the Applicant, a staff member of the United Nations Office for the Coordination of Humanitarian Affairs (“OCHA”), filed an application with the Tribunal contesting the decision to impose on him the disciplinary measure of “demotion by one grade with deferment, for one year, of eligibility for consideration for promotion and threatened reassignment”.
2. On 27 September 2019, the Respondent filed his reply.

Consideration

3. The Tribunal notes that the contested decision was based on the following allegations:

(a) Between 2015 and 2017, [the Applicant] created a hostile, offensive and humiliating work environment for Mr. [D. S.], by one or more of the following (i) shouting at him in his office about a work assignment; (ii) instructing him not to move away from his desk during work hours, even after he raised concerns of being less productive following the instruction; (iii) replacing him with an intern in the emergency response to Hurricane Matthew; and (iv) cancelling his training mission to the United Nations Disaster Assessment and Coordination (UNDAC) without consulting or informing him of such action; and/or

(b) In 2017, [the Applicant] abused [his] authority as Chief of Civil-Military Coordination Section (CMCS), United Nations Office for Coordination of Humanitarian Affairs (OCHA), by one or more of the following: (i) facilitating the recruitment and an extension of Ms. [H. L.], who was a daughter of [the Applicant’s] friend, as a consultant, while she had no special skills or knowledge in the areas of civil-military coordination training; and/or (ii) facilitating her official travels that were not included in her terms of reference, including the two-month mission to Jordan for the purpose of helping her gain field experience.

The hearing

4. Following an examination of the parties’ submissions and pursuant to art. 16 para. 2 of its Rules of Procedure, the Tribunal considers appropriate to conduct a hearing on the merits in the present case. The hearing will be held at the Geneva Courtroom and will tentatively take place from 22 to 29 November 2021.

No Case Management Discussion will be held but the parties are allowed to request additional evidence, if any, on specific issues to be evaluated.

The witnesses

5. For the purpose of the hearing, the Tribunal has preliminarily identified the following witnesses:

- a. Mr. S. D. S., Humanitarian Affairs Officer, OCHA;
- b. Mr. C. R., Humanitarian Affairs Officer, OCHA;
- c. Mr. R. R., Head, Operations and Field Support Unit, CMCS, OCHA;
- d. Ms. U. F., Humanitarian Affairs Officer, CMCS, OCHA;
- e. Mr. A. B., former Head of Operations and Field Support Unit, CMCS;
- f. Ms. S. V., OCHA;
- g. Mr. J. L., Chief of Emergency Service Branch, OCHA;
- h. Ms. A. A., Humanitarian Affairs Officer, Readiness and Training Section, OCHA;
- i. Ms. M. R., Lead Strategic Outreach, Readiness and Training Section, OCHA; and
- j. Ms. M. M., Programme Assistant, OCHA.

6. The parties shall inform the Tribunal whether they agree with the above-mentioned witnesses and/or whether they wish to propose any additional witnesses, indicating the relevant issues on which each of them will testify.

7. The Tribunal will assess the relevance of the testimony to be provided by the proposed witnesses, if any, for the determination of the merits of the case. The Tribunal reserves the right not to call some of the proposed witnesses if it deems that their testimony is not relevant.

8. Unless exceptional circumstances arise, witnesses based in Geneva or within commuting distance of Geneva are expected to give their testimony physically present in the Geneva Courtroom, in full respect of the applicable preventive sanitary measures and security rules.

9. The parties are also instructed to inform the Tribunal about the availability of the witnesses for the scheduling of the hearing. The Respondent shall inform the Tribunal about the availability of the witnesses identified in para. 5 above and each party shall inform the Tribunal about the availability of any additional witnesses they may wish to propose.

Dates for the hearing

10. The parties shall confirm their interest and availability to participate in a hearing on the merits from Monday, 22 November 2021 to Monday, 29 November 2021.

11. The tentative schedule for the hearing, which may be subject to change depending on the parties' and witnesses' availability is as follows:

Monday, 22 November 2021

14:00	Opening statements by the parties
14:30	Applicant's testimony and cross-examination

Tuesday, 23 November 2021

14:00	Mr. S. D. S., Humanitarian Affairs Officer, OCHA.
16:00	Mr. C. R., Humanitarian Affairs Officer, OCHA

Wednesday, 24 November 2021

14:00	Mr. R. R., Head, Operations and Field Support Unit, CMCS, OCHA.
15:30	Ms. U. F., Humanitarian Affairs Officer, CMCS, OCHA

Thursday, 25 November 2021

14:00	Mr. A. B., former Head of Operations and Field Support Unit, CMCS
15:00	Ms. S. V., OCHA
16:00	Mr. J. L., Chief of Emergency Service Branch, OCHA

Friday, 26 November 2021

14:00	Ms. A. A., Humanitarian Affairs Officer, Readiness and Training Section, OCHA.
15:00	Ms. M. R., Lead Strategic Outreach, Readiness and Training Section, OCHA.
16:00	Ms. M. M., Programme Assistant, OCHA

Monday, 29 November 2021

15:00 -17:00	Closing submissions by the parties
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Bundle of documents

12. For the purpose of the hearing, the parties shall prepare an agreed bundle of documents including any document to which they may refer to at the hearing.

Conclusion

13. In view of the foregoing, it is ORDERED THAT:

- a. By **Monday, 11 October 2021**, the parties shall inform the Tribunal:
 - i. If they are willing to participate in a hearing on the merits as indicated in para. 4 above;

ii. If they agree with the witnesses identified in para. 5 above and/or if they wish to propose any additional witnesses as indicated in para. 6 above;

iii. The witnesses' availability as per para. 9 above;

b. By **Monday, 8 November 2021**, the parties shall submit to the Tribunal:

i. An agreed bundle of documents as indicated in para. 12 above; and

ii. A list of authorities, including administrative issuances to be relied upon.

(Signed)

Judge Francesco Buffa

Dated this 30th day of September 2021

Entered in the Register on this 30th day of September 2021

(Signed)

René M. Vargas M., Registrar, Geneva