



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

DUPARC

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON SUSPENSION OF PROCEEDINGS**

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**Counsel for Applicant:**

Robbie Leighton, OSLA

**Counsel for Respondent:**

Jérôme Blanchard, LPAS, UNOG

## **Introduction**

1. By application filed on 22 July 2019 through his Counsel from the Office of Staff Legal Assistance (“OSLA”), the Applicant, a staff member of the Security and Safety Service (“SSS”), United Nations Office at Geneva (“UNOG”), contests the decision of the then Director-General, UNOG, to take no further action on his complaint under ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority) against the Chief, SSS, UNOG.
2. The application was served on the Respondent who submitted his reply on 19 August 2019 with annexes 3 and 5 filed on an *ex parte* basis.
3. By Order No. 76 (GVA/2021) of 19 April 2021, the Tribunal ordered:
  - a. The Respondent to disclose a redacted version of the investigation report and other relevant communications by 26 April 2021;
  - b. The translation of the redacted version of the investigation report from English to French; and
  - c. The Applicant to file his rejoinder within 10 days of receipt of the translated investigation report.
4. On 3 June 2021, the Applicant received the translated investigation report.
5. On 8 June 2021, the Applicant filed a motion advising the Tribunal that he had an accident at work on 25 May 2021 and, accordingly, requesting an extension of the deadline until 10 days after his return to work from sick leave.
6. By Order No. 105 (GVA/2021) of 9 June 2021, the Tribunal granted the motion in part and instructed the Applicant to file his rejoinder by 15 July 2021.
7. Upon the Applicant’s further requests dated 7 July 2021, 28 July 2021, 1 September 2021 and 6 October 2021, the Tribunal extended the time to file his rejoinder until 8 November 2021 by, *inter alia*, Order No. 151 (GVA/2021) of 11 October 2021.

8. By Order No. 151 (GVA/2021), the Tribunal also instructed the Applicant to communicate the earliest date at which he would be able to file his rejoinder.

9. By motion dated 2 November 2021, the Applicant advises the Tribunal that his sick leave was extended until 30 November 2021 and requests a further extension of time to file his rejoinder. The Applicant also submits that his treating physicians are unable to currently indicate when he will be fit to return to work.

### **Consideration**

10. Having regard to the circumstances invoked by the Applicant and considering that the deadline to file a rejoinder has been extended several times, the Tribunal considers it warranted to put in abeyance the Applicant's filing of his rejoinder.

11. Consequently, for the fair and expeditious disposal of the case as well as for the sake of predictability and efficiency of the proceedings, the Tribunal, pursuant to art. 19 of its Rules of Procedure, will suspend the proceedings in this case for an initial period of three months or until the date on which the Applicant's treating physician considers him fit to work on his rejoinder if earlier.

IT IS ORDERED THAT:

12. The proceedings before the Tribunal in Case No. UNDT/GVA/2019/046 be suspended until **Thursday, 3 February 2022**, or the date the Applicant's treating physician considers him fit to work on his rejoinder, whichever is earlier.

13. Should the Applicant's treating physician find him fit to work on his rejoinder prior to 3 February 2022, the Applicant shall promptly inform the Tribunal and file his rejoinder within 10 days as of his treating physician's finding.

Case No. UNDT/GVA/2019/046

Order No. 161 (GVA/2021)

14. Should the Applicant's sick leave be extended beyond 3 February 2022, the Applicant shall promptly file documentary evidence of such extension.

*(Signed)*

Judge Teresa Bravo

Dated this 3<sup>rd</sup> day of November 2021

Entered in the Register on this 3<sup>rd</sup> day of November 2021

*(Signed)*

René M. Vargas M., Registrar, Geneva