



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Marcos Zunino, OSLA
Ana Giulia Stella, OSLA

Counsel for Respondent:

Isavella Maria Vasilogeorgi, AAS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 176 (GVA/2021) of 7 December 2021, the Tribunal instructed the parties, *inter alia*, to file their respective list of witnesses by 17 December 2021 while ensuring their availability at a hearing to be held from 24 to 27 January 2022.
2. On 16 December 2021, the Respondent informed the Tribunal that he would like to call V01 as his sole witness for the oral hearing and confirmed her availability.
3. On 5 January 2022, the Respondent requested that the Tribunal allow V01 to testify without the Applicant being present during her testimony.
4. On 6 January 2022, the Tribunal ordered the Applicant to respond to the Respondent's request concerning V01 by 11 January 2022.
5. On the same day, the Tribunal issued Order No. 1 (GVA/2022) notifying the parties of a tentative schedule for a hearing on the merits, which included the appearance of V01.
6. By email dated 6 January 2022, the Applicant requested an extension of time to respond to the Respondent's request concerning V01.
7. By email dated 7 January 2022, the Tribunal ordered the Respondent to substantiate with medical evidence, by 11 January 2022, how the Applicant's presence in the virtual courtroom would cause V01 distress and the Applicant to respond to the Respondent's request concerning V01 by 14 January 2022.
8. On 11 January 2022, the Respondent requested a two-day extension to provide the medical evidence regarding V01's testimony as V01 could not obtain the certificate earlier.
9. By email dated 12 January 2022, the Tribunal granted the Respondent the requested extension and instructed him to file the required medical evidence by 13 January 2022.

10. On 13 January 2022, the Respondent filed an *ex parte* submission regarding V01's medical evidence and testimony with five *ex parte* annexes:

- a. Annex 1: V01's medical assessment of 1 December 2022 (document in German);
- b. Annex 2: Unofficial English Translation of Annex 1 above;
- c. Annex 3: V01's letter to the undersigned Judge;
- d. Annex 4: Correspondence between V01 and the Respondent; and
- e. Annex 5: Ms. L's out-of-office notification.

11. On 14 January 2022, the Applicant filed a motion for disclosure and extension of time to respond to the Respondent's request concerning V01 referred to in para. 3 above.

Consideration

Applicant's motion for disclosure

12. The Applicant's motion for disclosure concerns the Respondent's 13 January 2022 *ex parte* filing. The Tribunal is, first, of the view that the Respondent's main submission should not have been filed *ex parte*. Second, as to the annexes to the Respondent's main submission, the Tribunal notes that annex 5 is information publicly available and should not have been filed *ex parte* either. The Tribunal's Registry will therefore change the confidentiality setting of these documents to "none" in the Tribunal's e-Filing system.

13. Third, the Tribunal finds that annexes 2 and 3 may be relevant for the proper adjudication of the case. To the extent that these documents were not previously available to the non-filing party (the Applicant), the Tribunal finds it appropriate to disclose them on grounds of fairness and transparency pursuant to arts. 18.4 and 19 of its Rules of Procedure. Considering that they may contain sensitive information, the Tribunal will instruct the filing party (the Respondent) to redact them and to refile them on an under-seal basis.

14. Finally, annexes 1 and 4 shall remain *ex parte*.

Motion for extension of time

15. Having regard to the circumstances invoked by the Applicant, and for the fair and expeditious disposal of the case, the Tribunal considers it warranted to grant the requested extension of time pursuant to art. 19 of its Rules of Procedure.

Conclusion

16. In view of the foregoing, it is ORDERED that:

- a. The Geneva Registry shall lift the *ex parte* status of the Respondent's 13 January 2022 main submission and of its annex 5;
- b. By **Friday, 14 January 2022 (COB New York time)**, the Respondent shall redact annexes 2 and 3 to his submission and refile them on an under seal basis.
- c. By **Tuesday, 18 January 2022 (COB Geneva time)**, the Applicant shall file his response to the Respondent's request concerning V01 referred to in para. 3 above.

(Signed)

Judge Teresa Bravo

Dated this 14th day of January 2022

Entered in the Register on this 14th day of January 2021

(Signed)

René M. Vargas M., Registrar, Geneva