



**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** Geneva

**Registrar:** René M. Vargas M.

BANAJ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON  
CASE MANAGEMENT**

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**Counsel for Applicant:**

George G. Irving

**Counsel for Respondent:**

Esther Saabel, LPAS, UNOG

Jérôme Blanchard, LPAS, UNOG

## **Introduction**

1. By application filed on 8 January 2021, the Applicant, a staff member of the United Nations Office on Drugs and Crime (“UNODC”), contests the decision to close her complaint of prohibited conduct under ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority) with managerial action with respect to Mr. S., and with no further action with respect to Ms. K..

2. By Order No. 4 (GVA/2022) of 18 January 2022, the Tribunal ordered, *inter alia*, that the Investigation Report into the Applicant’s complaint be disclosed to the Applicant on an under-seal basis and invited the Applicant to file a rejoinder by 7 February 2022.

3. On 7 February 2022, the Applicant responded to Order No. 4 (GVA/2022) by filing a submission requesting, *inter alia*, that the Tribunal order the Respondent to submit all exhibits to the Investigation Report and allow the Applicant to amend her submission within 20 days of receipt of these documents.

4. On 21 February 2022, the Respondent submitted a response to the Applicant’s 7 February 2022 submission pursuant to Order No. 18 (GVA/2022) of 10 February 2022.

5. By Order No. 24 (GVA/2022) of 23 February 2022, the Tribunal ordered the Respondent to submit the exhibits to the Investigation Report by 28 February 2022 on an *ex parte* basis, which he did on 25 February 2022.

6. Further to the Tribunal’s instruction dated 1 March 2022 to complete his filings, the Respondent resubmitted all the exhibits to the Investigation Report on 2 March 2022.

7. By Order No. 31 (GVA/2022) of 4 March 2022, the Tribunal, *inter alia*, ordered that:

- a. Exhibits 4, 5, 6, 6 *bis*, 7 and 7 *bis* to the Investigation Report be made available to the Applicant on an under-seal basis;

b. The Applicant file further comments on said exhibits by 14 March 2022; and

c. The Respondent file his response, if any, to the Applicant's further comments by 21 March 2021.

8. On 14 March 2022, the Applicant filed her further comments on said exhibits pursuant to Order No. 31 (GVA/2022).

9. On 21 March 2021, the Respondent filed his response to the Applicant's further comments.

### **Consideration**

10. Having examined the parties' submissions to date and the evidence on record, the Tribunal finds that it is fully informed on the matter and that the case can be determined without holding a hearing. Consequently, the parties can proceed to file their closing submissions.

11. Pursuant to art. 19 of the Tribunal's Rules of Procedure,

IT IS ORDERED THAT:

12. By **Thursday, 31 March 2022**, the parties file their respective closing submission.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 22<sup>nd</sup> day of March 2022

Entered in the Register on this 22<sup>nd</sup> day of March 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva