



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

DUPARC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Jérôme Blanchard, LPAS, UNOG

Introduction

1. By Order No. 50 (GVA/2022) of 12 April 2022, the Tribunal instructed, *inter alia*, the Respondent to file the documentary evidence identified in para. 15 of the Order.
2. On 21 April 2022, the Respondent filed additional documentary evidence with the following annexes filed on an *ex parte* basis:
 - a. Annex I: The 2015 investigation report into the TJO 14/120;
 - b. Annex VI: The communications between the Human Resources Management Service, the Applicant's First Reporting Officer and Second Reporting Officer regarding the Applicant's performance appraisal rating for the period from 2015 to 2016;
 - c. Annex IX: Interview statement of Mr. R. T. before the Investigation Panel; and
 - d. Annexes X and XI: Documentary evidence in relation to the incident with the UN electric water pump.

Consideration

3. Having reviewed the documentary evidence submitted by the Respondent on an *ex parte* basis, the Tribunal finds that it is not necessary to disclose Annex I (the 2015 investigation report into the TJO 14/120) because it is not relevant to the Applicant's case.
4. Regarding Annex IX (Mr. R.T.'s interview statement), the Tribunal notes that the Investigation Report adequately reflects its relevant part. Furthermore, it is within the Investigation Panel's discretion to assess the relevance of the evidence and determine its weight. Therefore, the Tribunal finds it appropriate not to disclose Mr. R.T.'s interview statement to the Applicant.
5. In relation to Annexes VI, X and XI, the Tribunal concludes that they are relevant for the Applicant's case. As these documents were not previously available

to the Applicant, the Tribunal finds it appropriate, for the sake of fairness and transparency, to disclose them to him.

6. Considering that the aforementioned documents may contain information concerning third persons and/or are internal communications, the Tribunal will instruct the Respondent to redact them and to refile them on an under seal basis.

IT IS ORDERED THAT:

7. By **Thursday, 28 April 2022**, the Respondent shall redact Annexes VI, X and XI to his submission of 21 April 2022, and refile the redacted documents on an under seal basis.

8. The Applicant shall not disclose, use, show, convey, disseminate, copy, reproduce or in any way communicate without the Tribunal's prior authorization the redacted annexes to the Respondent's submission shared with him, except for the filing of an appeal with the Appeals Tribunal.

(Signed)

Judge Teresa Bravo

Dated this 26th day of April 2022

Entered in the Register on this 26th day of April 2022

(Signed)

René M. Vargas M., Registrar, Geneva