



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

**Registry:** Geneva

**Registrar:** René M. Vargas M.

RABBAT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON  
CASE MANAGEMENT**

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**Counsel for Applicant:**

Omar Yousef Shehabi, OSLA

**Counsel for Respondent:**

Jérôme Blanchard, LPAS/UNOG

## **Introduction**

1. On 24 May 2021, the Applicant, a staff member of the United Nations Office on Drugs and Crime (“UNODC”), filed an application contesting the alleged failures to take appropriate measures to promote a harmonious work environment and protect him from prohibited conduct.
2. On 25 May 2021, the application was served on the Respondent, who was instructed to file his reply by 24 June 2021.
3. By motions of 23 June and 21 July 2021, the Respondent requested two extensions of time to file his reply, which were granted by the Tribunal on 24 June and 21 July 2021, respectively.
4. On 4 August 2021, the Respondent filed his reply with one annex filed on an *ex parte* basis.

## **Consideration**

### *Ex parte document*

5. The Tribunal recalls that art. 18.4 of the Tribunal’s Rules of Procedure provides that it “may, at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances”. This provision requires that the evidence submitted be confidential in nature.
6. In the present case, the Respondent filed on an *ex parte* basis Annex 2 to his reply, which is an Interoffice Memorandum addressed to a staff member concerning a request for comments on reported alleged unsatisfactory conduct.
7. Having carefully reviewed it, the Tribunal is of the view that it does not add anything substantial to the Applicant’s case. Therefore, in light of its confidential nature, the Tribunal decides that the document in question shall remain *ex parte* and, thus, the Applicant shall not be given access to it.

*Further submissions*

8. The Tribunal notes that the Applicant submits that the Organization failed to take appropriate measures to promote a harmonious work environment and protect him from prohibited conduct.

9. The Respondent contests the receivability of the application and further argues that the Administration took all appropriate measures and acted in accordance with its duty of care towards the Applicant.

10. For the fair and expeditious disposal of this case, the Tribunal finds it appropriate to direct the Applicant to respond to the Respondent's reply, addressing the latter's arguments on receivability and the merits of the application. In accordance with the principle of equality of arms, the Tribunal will give the Respondent an equal opportunity to respond to the Applicant's submission.

**Conclusion**

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

- a. Annex 2 to the Respondent's reply remain *ex parte*;
- b. By **Monday, 30 May 2022**, the Applicant file his response to the Respondent's reply; and
- c. By **Monday, 6 June 2022**, the Respondent file comments, if any, to the Applicant's above response.

*(Signed)*

Judge Alexander W. Hunter, Jr.  
Dated this 23<sup>rd</sup> day of May 2022

Entered in the Register on this 23<sup>rd</sup> day of May 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva