



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

MGEMEZULU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Steven W. S. Kayuni

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. By application filed on 13 May 2021, the Applicant, a former staff member of the United Nations Children’s Fund (“UNICEF”) contests the decision to separate him from service, with compensation in lieu of notice and with termination indemnity.
2. The Respondent filed his reply on 17 June 2021.
3. On 16 September 2021, the Applicant filed his observations on the Respondent’s reply.
4. On 20 September 2021, the Respondent filed a motion to strike the Applicant’s observations arguing that he did not request leave to submit any additional submission, nor did the Tribunal grant him leave in this regard.

Consideration

5. Having reviewed the submissions on record, the Tribunal deems it appropriate to invite the parties to a case management discussion (“CMD”) pursuant to art. 19 of its Rules of Procedure.
6. The purpose of the CMD is to:
 - a. Ascertain whether the parties are amenable to considering an alternative resolution to the dispute;
 - b. Identify the factual and legal issues to be determined;
 - c. Consider what further information, if any, is required;
 - d. Consider if the case may be decided on the basis of the parties’ written submissions or if a hearing should be held;
 - e. Identify the relevant witnesses to be called and agree on dates for said hearing, if needed;

- f. Discuss the Respondent's pending motion of 20 September 2021; and
- g. Discuss any other matter relevant to these proceedings.

7. Under art. 9.3 of the Tribunal's Statute and art. 16.6 of the Tribunal's Rules of Procedure, the oral proceedings shall be held in public unless the Tribunal decides, at its own initiative or at the request of either party, that "exceptional circumstances require that the oral proceedings be closed".

8. The Tribunal considers that oral proceedings involving sexual harassment claims, such as in the present case, constitute exceptional circumstances. Therefore, the Tribunal finds it necessary to have closed oral proceedings and hold the CMD *in camera*.

IT IS ORDERED THAT

9. The parties shall attend a CMD on **Thursday, 23 June 2022, at 2.30 p.m. (Geneva time)**, which will be conducted virtually through Microsoft Teams.

10. The parties shall provide the Geneva Registry their contact details by **Thursday, 16 June 2022 (COB Geneva time)**.

(Signed)

Judge Teresa Bravo

Dated this 8th day of June 2022

Entered in the Register on this 8th day of June 2022

(Signed)

René M. Vargas M., Registrar, Geneva