



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:

Self-represented

Counsel for Respondent:

Sandra Lando, UNHCR
Elizabeth Brown, UNHCR

Introduction

1. By application filed on 26 February 2021, the Applicant, a former staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), contests the decision to impose on him the disciplinary measure of separation with compensation in lieu of notice and without termination indemnity.
2. On 1 April 2021, the Respondent filed his reply.
3. By Order No. 76 (GVA/2022) of 3 August 2022, the Tribunal convoked the parties to a case management discussion (“CMD”) which took place, as scheduled, on 23 August 2022.

Consideration

Documentary evidence

4. When perusing the case file, the Tribunal finds that some relevant information is missing, which was confirmed during the CMD.
5. The Tribunal recalls that art. 9.1 of its Statute provides that it “may order production of documents or such other evidence as it deems necessary”. Furthermore, art. 18.2 of the Tribunal’s Rules of Procedure stipulates that:

The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.

6. Accordingly, at the CMD, after hearing the parties’ views, the Tribunal ordered the Applicant to produce the following documents:
 - a. Documentary evidence related to the treatment of his posttraumatic stress disorder (“PTSD”) and adjustment disorder following the recommendation contained in the Medical Report dated 25 August 2018;

b. Documentary evidence showing the impact of the above-mentioned disorder on the Applicant's behaviour and his ability to control his emotions and behaviour; and

c. Any other relevant medical evidence.

7. Considering that the above-mentioned documentary evidence contains sensitive information, the Tribunal finds it appropriate to direct the Applicant to file it on an under-seal basis.

8. The Applicant was further instructed to elaborate upon why he did not share the medical information, including his PTSD diagnosis, with the investigative authority and the decision-maker during the investigation and disciplinary proceedings.

9. 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.

Oral hearing

10. During the CMD, the Applicant requested an oral hearing, whereas the Respondent argued that a hearing would not be necessary because the facts in the present case were not disputed.

11. Having reviewed the parties' submissions to date, the Tribunal considers it appropriate to make a ruling in this respect upon receipt of the parties' further submissions.

Anonymity

12. The Tribunal considers that the sensitive information regarding the Applicant's medical history in the present case constitutes exceptional circumstances that warrant granting anonymity. Therefore, the Applicant's name will be anonymized in the present Order.

Conclusion

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

- a. By **Wednesday, 7 September 2022**, the Applicant file his submissions pursuant to paras. 6-8 above;
- b. By **Wednesday, 21 September 2022**, the Respondent file his comments on the Applicant's submissions; and
- c. The Applicant's name be anonymized in the present Order.

(Signed)

Judge Teresa Bravo

Dated this 24th day of August 2022

Entered in the Register on this 24th day of August 2022

(Signed)

René M. Vargas M., Registrar, Geneva