



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:

Ron Mponda

Counsel for Respondent:

Sandra Lando, UNHCR

Chenayi Mutuma, UNHCR

Introduction

1. By an incomplete application filed on 9 July 2021, the Applicant, a 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 from service with compensation in lieu of notice and without termination indemnity for alleged sexual harassment.
2. Upon its completion, the application was served on 13 July 2021 on the Respondent who had until 12 August 2021 to file his reply.
3. On 11 August 2021, the Respondent filed a motion for leave to exceed the page-limit suggested in the Tribunal’s Practice Direction No. 4.
4. On the same day, the Respondent filed his reply.
5. On 21 August 2021, the Applicant filed a rejoinder to the Respondent’s reply, in which he, *inter alia*, objects to the Respondent’s motion for leave to exceed the page-limit.
6. By Order No. 92 (GVA/2022) of 20 October 2022, the Tribunal granted the Respondent’s motion to exceed the page-limit, admitted the Applicant’s rejoinder into the case record and invited the Respondent to file his comments, if any, on the Applicant’s rejoinder by 28 October 2022. In addition, considering the sensitive nature of the allegations regarding sexual harassment, the Tribunal decided to anonymize the Applicant’s name in the Tribunal’s Orders.

Consideration

7. 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.
8. The purpose of the CMD is to:
 - a. Identify the factual and legal issues to be determined;
 - b. Consider what further information, if any, is required;

- c. Consider if the case may be decided on the basis of the parties' written submissions or if a hearing should be held;
- d. Identify the relevant witnesses to be called and agree on dates for said hearing, if needed;
- e. Ascertain whether the parties are amenable to considering an alternative resolution to the dispute; and
- f. Discuss any other matter relevant to these proceedings.

9. 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".

10. 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*.

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

IT IS ORDERED THAT:

12. The parties shall attend a CMD on **Wednesday, 2 November 2022, at 9:30 a.m. (Geneva Time)**, which will be conducted virtually through Microsoft Teams. In this connection, the parties are requested to provide the Geneva Registry with their contact details via email by **Friday, 28 October 2022 (COB Geneva time)**.

(Signed)

Judge Teresa Bravo

Dated this 27th day of October 2022

Case No. UNDT/GVA/2021/042

Order No. 097 (GVA/2022)

Entered in the Register on this 27th day of October 2022

(Signed)

René M. Vargas M., Registrar, Geneva