



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

COLEMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Edward Patrick Flaherty, Esq.

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. On 5 March 2018, the Applicant made a complaint to the Office of Internal Audit and Investigations (“OIAI”), alleging that the then Representative of the Pakistan Country Office (“PCO”), together with other staff members in the South Asia Regional Office (“ROSA”), engaged in a pattern of harassment and abuse of authority against her.
2. On 1 October 2018, following a period on special leave, the Applicant separated from service upon the expiration of her appointment.
3. On 17 July 2019, OIAI closed the Applicant’s complaint after a preliminary assessment.
4. On 2 March 2021, following an application to this Tribunal against the administrative decision that closed the complaint without a comprehensive review, the case was remanded to OIAI for a renewed assessment of the Applicant’s complaint. The Tribunal found that by not interviewing the Applicant, the decision violated the applicable procedure at the time, i.e., CF/EXD/2012-007 Amend.1, *Prohibition of discrimination, harassment, sexual harassment and abuse of authority*.
5. On 20 May 2021, OIAI interviewed the Applicant and reviewed the content of her complaint.
6. On 12 August 2021, OIAI closed the case stating that the matter did not warrant a comprehensive review. *Inter alia*, OIAI found insufficient information in the Applicant’s assertions regarding the Representative, PCO, and the other staff members at ROSA, and concluded that the harassment allegations, if established, would not amount to misconduct. This is the current administrative decision under challenge.
7. On 23 August 2021, the Applicant requested management evaluation of the contested administrative decision.

8. On 6 October 2021, the Deputy Executive Director (“DED”), Management, found that the contested decision was fully consistent with the regulatory framework concerning the assessment of complaints of prohibited conduct.
9. On 14 December 2021, the Applicant filed the present application before this Tribunal.
10. On 14 January 2022, the Respondent filed his reply.
11. On 8 August 2022, the instant case was assigned to the undersigned Judge.

Consideration

12. Having reviewed the parties’ submissions to date and the documents on file, the Tribunal deems it fit to seek additional information and/or clarification from the parties on the following points:

- a. The Applicant:
 1. Explain how the alleged conflict of interest of the DED relates to the contested decision and provide comments in relation to the receivability issue raised by the Respondent; and
- b. The Respondent:
 1. Provide evidence of the OIAI’s assessment of the totality of the evidence presented by the Applicant. In particular, in relation to the alleged bullying and aggressive behaviour during the incidents of 10 October 2017, 19 and 20 October 2017, and 26 January 2018; and
 2. Clarify the reasons why OIAI decided not to call the Representative, PCO, to testify nor to provide comments on the incidents of alleged aggressive behaviour.

Conclusion

13. In view of the foregoing, it is ORDERED THAT the parties shall file submissions in compliance with para. 12 above by **Monday, 27 February 2023**.

(Signed)

Judge Teresa Bravo

Dated this 16th day of February 2023

Entered in the Register on this 16th day of February 2023

(Signed)

René M. Vargas M., Registrar, Geneva