



Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Miryoung An, AAS/ALD/OHR, UN Secretariat

Nicola Caon, DAS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 70 (GVA/2023) of 5 July 2023, the Tribunal pronounced, *inter alia*, the tentative schedule of appearances at the hearing.
2. On 6 July 2023, the Applicant filed a request for variation of the above-mentioned Order.
3. Further to the Tribunal's instruction, by email of 10 July 2023, the Respondent filed his comments on the Applicant's request of 6 July 2023.

Consideration

4. The Tribunal recalls that during the case management discussion, held through Microsoft Teams on 13 June 2023, the Applicant stated that whether he appears before the Tribunal or not would depend upon the presence of other witnesses, and he indicated a desire to be able to testify at least about the issues of damages.
5. In his request of 6 July 2023, the Applicant requests that reference to his examination be deleted on grounds that he did not request to testify.
6. In his submissions of 10 July 2023, the Respondent submits that he has no objection to the Applicant not testifying in the oral hearing.
7. Considering the circumstances of the case, the Tribunal will reserve its decision on whether to hear the Applicant or not until having heard the witnesses pursuant to the present Order. In view of this, the Applicant is hereby instructed to stand ready to testify should the Tribunal decide to hear him.
8. Moreover, noting the Applicant's submission that, contrary to his original indication, Mr. G. R. is no longer available to testify and has separated from service, the Tribunal reserves its right to call other witnesses to testify should there be a need to clarify certain issues after the hearing pursuant to the present Order.

Conclusion

9. In view of the foregoing, it is ORDERED THAT the tentative schedule of appearances at the hearing will be as follows:

Wednesday, 19 July 2023

3 p.m.	Parties' opening statements.
4 p.m.	V03: Examination-in-Chief by the Respondent's Counsel and cross-examination by the Applicant's Counsel.

Thursday, 20 July 2023

2 p.m.	Ms. P. M.: Examination-in-Chief by the Applicant's Counsel and cross-examination by the Respondent's Counsel.
3 p.m.	Mr. S. R.: Examination-in-Chief by the Applicant's Counsel and cross-examination by the Respondent's Counsel.
4 p.m.	Mr. M. N.: Examination-in-Chief by the Respondent's Counsel and cross-examination by the Applicant's Counsel.

10. Concerning the filing of closing submissions, the parties will be advised accordingly at the end of the hearing or shortly thereafter.

(Signed)

Judge Margaret Tibulya

Dated this 11th day of July 2023

Entered in the Register on this 11th day of July 2023

(Signed)

René M. Vargas M., Registrar, Geneva