



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

SHERALOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Viacheslav Mysak

Counsel for Respondent:

Isavella Maria Vasilogeorgi, DAS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 85 (GVA/2022) of 28 July 2023, the Tribunal convoked the parties to a case management discussion (“CMD”).
2. On 17 August 2023, the CMD took place, as scheduled, virtually through Microsoft Teams, with Counsel for each party present.

Consideration

The Applicant’s oral motion to adduce additional evidence

3. During the CMD, the Applicant requested the Tribunal to grant him leave to file documentary evidence to support his claim that his right to due process was violated.
4. The Respondent requested a fair opportunity to comment on the Applicant’s further submissions.
5. Having heard both parties’ view, the Tribunal granted the Applicant’s motion to file additional documentary evidence.
6. Recalling that only substantial procedural irregularities during the investigation and disciplinary proceedings can render a disciplinary sanction unlawful (see, e.g., *Abu Osba* 2020-UNAT-1061, para. 66; *Muindi* 2017-UNAT-782), the Tribunal further instructed the Applicant to demonstrate in his further submissions the impact of the alleged violation of his rights on the disciplinary measure.
7. In line with the principle of equality of arms, the Tribunal finds it appropriate to give the Respondent an opportunity to comment on the Applicant’s further submissions.

Hearing

8. At the CMD, the Applicant disputed the facts underlying the disciplinary measure at issue but indicated that he did not have any witnesses to call. The Respondent submitted that the relevant facts were established by clear and convincing evidence.

9. Considering that a hearing may help the Tribunal assess the credibility of both the Applicant and the victim, and noting that the parties are going to file further submissions, the Tribunal will reserve its decision on whether to hold a hearing in the present matter to a later stage.

Conclusion

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

- a. The Applicant's motion to adduce additional evidence be granted;
- b. The Applicant shall file his submissions pursuant to paras. 5 and 6 of the present Order by **Friday, 1 September 2023**; and
- c. The Respondent shall file his comments on the Applicant's above-mentioned submissions by **Monday, 18 September 2023**.

(Signed)

Judge Sun Xiangzhuang

Dated this 18th day of August 2023

Entered in the Register on this 18th day of August 2023

(Signed)

René M. Vargas M., Registrar, Geneva