



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/2023) 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 and the Applicant present.
3. By Order No. 102 (GVA/2023) of 18 August 2023, the Tribunal granted the Applicant’s oral motion to adduce additional evidence, instructed him to file his submissions, and invited the Respondent to file his comments on the above- mentioned submissions.
4. On 31 August 2023, the Applicant filed his submissions pursuant to Order No. 102 (GVA/2023).
5. On 18 September 2023, the Respondent filed his comments on the Applicant’s submissions of 31 August 2023.

Consideration

Disclosure of documents

6. In his submissions of 31 August 2023, the Applicant requests “that reasons and a copy of the record be provided” regarding the panel composition that investigated his conduct. The Applicant asserts that he was not informed that he was the subject of an investigation, the nature of the alleged unsatisfactory conduct and the names of the investigators before the start of the interview. Consequently, he contends that it is necessary to have on record “any document(s) justifying that these investigation procedures were observed”.
7. The Respondent submits that the Applicant appears to seek the disclosure of documents from the Administration.
8. Having considered the Applicant’s submissions carefully, the Tribunal finds that the arguments at issue do not constitute a motion for disclosure of documents from the Administration. The Tribunal notes from the record that the

Administration provided relevant information to the Applicant during the investigation proceedings and that no further disclosure of evidence is needed.

Oral hearing

9. 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.

10. The Tribunal recalls that where key facts are disputed, it is required to “make explicit findings pertaining to the credibility and reliability of the evidence and provide a clear indication of which disputed version it prefers and explain why” (see AAC 2023-UNAT-1370, para. 47).

11. Having reviewed the evidence on record, and considering the discussions during the CMD, the Tribunal does not find that an oral hearing on the merits would add further value in this respect. Consequently, the present case will be determined on the written pleadings without holding a hearing on the merits.

Filing of closing submissions

12. Having examined the parties’ submissions to date, the Tribunal finds that it is fully informed on the matter, and that the parties can proceed to file their respective closing submission.

Conclusion

13. In view of the foregoing, it is ORDERED THAT the parties file their respective closing submission by **Monday, 2 October 2023**.

(Signed)

Judge Sun Xiangzhuang

Dated this 20th day of September 2023

Case No. UNDT/GVA/2022/037

Order No. 125 (GVA/2023)

Entered in the Register on this 20th day of September 2023

(Signed)

René M. Vargas M., Registrar, Geneva