



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Jeffrey C. Dahl

**Counsel for Respondent:**

Nicola Caon, DAS/ALD/OHR, UN Secretariat

Albert Angeles, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By Judgment *Applicant* UNDT/2022/071, this Tribunal adjudicated Case No. UNDT/GVA/2020/036 (Applicant). The Applicant appealed the Judgment before the United Nations Appeals Tribunal (“UNAT” or the “Appeals Tribunal”).
2. By Judgment *AAO* 2023-UNAT-1361, the Appeals Tribunal reversed the above UNDT Judgment and remanded the case for determination by a different Judge.
3. On 31 July 2023, the remanded case, registered under Case No. UNDT/GVA/2020/036/R1, was assigned to the undersigned Judge.
4. By Order No. 113 (GVA/2023) of 30 August 2023, the Tribunal invited the parties to attend a Case Management Discussion (“CMD”), held virtually via Microsoft Teams on 11 September 2023.
5. By Order No. 119 (GVA/2023) of 12 September 2023, the Tribunal asked the Respondent to confirm the availability of witnesses to attend a hearing on the merits, and the parties to inform the Tribunal the result of their informal discussion, and whether they were amenable to engage in mediation.
6. On 29 September 2023, the parties filed a joint motion informing the Tribunal that they are engaged in informal discussions, but requesting that the proceedings not be postponed in the meantime. In addition, the Respondent responded to Order No. 119 (GVA/2023).

## **Consideration**

7. In his response to Order No. 119 (GVA/2023), the Respondent submitted *inter alia*, that all but one witnesses is available to testify in the prescribed period between 23 and 31 October 2023. In addition, the Respondent also informed the Tribunal that, even though V01, who is no longer a staff member at the United Nations, is willing to testify, she will only do so under the following three conditions: (i) the hearing shall be held in camera; (ii) her name shall not be

mentioned in the Judgment; and (iii) to preserve her mental health and not cause further emotional distress, the Applicant shall not be present during her testimony.

8. Before it can make its determination regarding the above, the Tribunal deems it appropriate to grant the Applicant an opportunity to comment on V01's conditions as set forth by the Respondent.

### **Conclusion**

9. In view of the foregoing, it is ORDERED THAT the Applicant shall file its comments according to para. 8 above, **by Thursday, 5 October 2023.**

*(Signed)*

Judge Sun Xiangzhuang

Dated this 2<sup>nd</sup> day of October 2023

Entered in the Register on this 2<sup>nd</sup> day of October 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva