



**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 instructed:
  - a. The Respondent to confirm the availability of witnesses to attend a hearing on the merits; and
  - b. The parties to inform the Tribunal about the result of their informal discussions 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.
7. In addition, the Respondent responded to Order No. 119 (GVA/2023) informing *inter alia*, that V01 is willing to testify under the following three conditions: (i) the hearing be held *in camera*; (ii) her name not be mentioned in the Judgment; and (iii) to preserve her mental health and not cause further emotional distress, that the Applicant not be present during her testimony.

8. By Order No. 130 (GVA/2023) of 2 October 2023, the Tribunal instructed the Applicant to comment on V01's conditions to testify.

9. On 5 October 2023, the Applicant responded to Order No. 130 (GVA/2023) and agreed with V01's conditions.

10. By Order No. 136 (GVA/2023) of 9 October 2023, the Tribunal scheduled a hearing on the merits, which was held virtually on 13, 23 and 25 October 2023.

### **Consideration**

11. During the course of three days, the Tribunal heard testimony from V01 and other five witnesses that is relevant to the determination of the facts under dispute.

12. At the end of the session on 25 October 2023, the parties agreed on a timeline for the filing of closing submissions, and the Judge instructed them to focus their respective closing submission on the relationship between the Applicant and V01 after the alleged incident of sexual harassment during the mission to South Korea.

### **Conclusion**

13. In view of the foregoing, it is ORDERED THAT the parties file their respective closing submission by **Thursday, 9 November 2023**.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 26<sup>th</sup> day of October 2023

Entered in the Register on this 26<sup>th</sup> day of October 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva