



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

SOPHOCLEOUS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Albert Angeles, DAS/ALD/OHR, UN Secretariat

Sergei Gorbylev, DAS/ALD/OHR, UN Secretariat

Introduction

1. On 8 June 2023, the Applicant, a staff member of the United Nations Office on Drugs and Crime, filed an application contesting the decision to impose on him the disciplinary measure of demotion by one grade with deferment for three years of consideration for eligibility for promotion, as well as the administrative measure of requiring him to undertake a gender sensitivity training.
2. On 11 July 2023, the Respondent filed his reply.
3. On 13 October 2023, the Applicant filed a rejoinder pursuant to Order No. 127 (GVA/2023).
4. Upon the parties' joint requests, the proceedings were suspended from 27 October 2023 until 2 April 2024 pending informal settlement discussions.
5. As the parties could not settle the dispute, the Respondent filed his comments on the Applicant's rejoinder on 16 April 2024 in response to Order No. 19 (GVA/2024).
6. On 2 May 2024, the Tribunal held a case management discussion ("CMD") with the participation of Counsel for the Applicant and Counsel for the Respondent.

Consideration

7. During the CMD, Counsel for the Applicant clarified that the Applicant's reassignment is not contested in the present case. However, he submitted that the Applicant's reassignment was the result of the disciplinary measure and that this should be considered in the assessment of damages.
8. The parties also agreed after discussion that the standard of proof required in the examination of the present case, which does not involve separation from service, is that of preponderance of evidence.

9. The parties discussed whether a hearing should be held. On this issue, Counsel for the Applicant requested that all the evidence on record including the Applicant's submissions before the Tribunal be considered in the review of the case. His position was that a "hearing on the merits would not necessarily facilitate the work of the Tribunal" and requested the opportunity to "make closing arguments".

10. The Respondent submitted that the contested decision was based on the record assembled during the investigation by the Office of Internal Oversight Services ("OIOS"), "including the statements by the Applicant during the investigation and his comments during the disciplinary process". He referred to art. 9.4 of the Tribunal's Statute, which provides that in conducting a judicial review, the Tribunal shall consider the record assembled by the Secretary-General.

11. Having examined the parties' submissions to date, the evidence on record and the parties' statements during the CMD, the Tribunal finds, under art. 19 of its Rules of Procedure, that the case can be determined without holding a hearing. Consequently, the parties can proceed to file closing submissions.

Conclusion

12. Pursuant to art. 19 of the Tribunal's Rules of Procedure, it is ORDERED THAT by **Wednesday, 29 May 2024**, the parties shall file their respective closing submission, which shall:

- a. Exclusively refer to the evidence already on file; and
- b. Not exceed 10 pages, using font Times New Roman, font size 12 pts and 1.5 line spacing.

(Signed)

Judge Sun Xiangzhuang

Dated this 8th day of May 2024

Case No. UNDT/GVA/2023/032

Order No. 50 (GVA/2024)

Entered in the Register on this 8th day of May 2024

(Signed)

René M. Vargas M., Registrar, Geneva