



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

DE DOBBELAERE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Alister Cumming, UNICEF

## **Introduction**

1. On 12 October 2023, the Applicant, a staff member of the United Nations Children’s Fund (“UNICEF”), filed an application contesting the decision to close an investigation into abuse of authority, harassment, and sexual harassment allegedly committed by her former supervisor, without taking any disciplinary, administrative, and/or managerial action.
2. On 11 November 2023, the Applicant filed a motion for anonymity.
3. On 11 December 2023, the Respondent filed his reply to the application and his response to the Applicant’s motion for anonymity.
4. On 22 December 2023, the Applicant filed a motion to file a rejoinder.
5. On 10 January 2024, the Applicant filed a motion for disclosure of evidence.
6. On 16 January 2024, the Respondent filed a response to the Applicant’s motion for disclosure of evidence.
7. On 18 January 2024, the Applicant filed a motion for leave to comment on the Respondent’s response to her motion for disclosure of evidence.
8. By Order No. 8 (GVA/2024) the Tribunal decided to deny the Applicant’s motion for anonymity and to grant her motion to file a rejoinder as well as her motion to file comments on the Respondent’s 16 January 2024 response.
9. On 14 February 2024, the Applicant filed her comments on the Respondent’s 16 January 2024 response.
10. On 28 February 2024, the Applicant filed a second motion for leave to adduce evidence.
11. On 29 February 2024, the Applicant filed a rejoinder and on 1 March 2024, she filed a motion requesting the Tribunal to reconsider her motion for anonymity.

12. On 7 March 2024, the parties separately informed the Tribunal that there was no prospect of an amicable resolution of the present matter at that stage.

### **Consideration**

13. The Tribunal will address the parties' pending motions/submissions.

#### *Applicant's motion for disclosure of evidence*

14. In her 10 January 2024 motion, the Applicant seeks disclosure of various documents referred to in Annex R/1 to the Respondent's reply. In particular, she requests disclosure of:

- a. Three Notes for the Record dated 19 November 2021, 24 March 2022 and 27 April 2022;
- b. “[A]ll other communications between [her former supervisor] and [the Human Resources] focal point that concern the Applicant’s performance or anything related to it”;
- c. An “interview transcript” of 31 January 2023;
- d. A “witness interview transcript” of 31 January 2023;
- e. A “witness interview transcript” of 7 February 2023; and
- f. The response of the Applicant’s former supervisor in the context of the Applicant’s request for management evaluation.

15. The Tribunal has reviewed the parties' submissions on this matter and determines that the documents requested by the Applicant in her motion are not relevant for the determination of the present application.

16. The Applicant contests the decision to close an investigation into abuse of authority, harassment, and sexual harassment allegedly committed by her former supervisor, without taking any disciplinary, administrative, and/or managerial action.

17. The Applicant seeks disclosure of the Notes for the Record because, according to her, they relate to her performance and are adverse material. She also requests all other communications between her former supervisor and the Human Resources focal point related to her performance. However, even if these documents may contain references to the Applicant's performance, they are, *stricto sensu*, unrelated to the present dispute.

18. Similarly, the Applicant requests the disclosure of the interview transcript of 31 January 2023 on the basis that the Office of Internal Audit and Investigations, UNICEF, made a "de facto finding of misconduct against her" by stating that "testimonial evidence from (the witness) confirms that it was not ... who caused the friction but (the Applicant) who ... created a hostile work environment". However, contrary to her assertion, there was no finding of misconduct against the Applicant.

19. Likewise, the Tribunal is not convinced by the Applicant's arguments in support of her request for disclosure of the witness interview transcript of 7 February 2023 and the response of her former supervisor in the context of her request for management evaluation. The Tribunal finds that these documents are irrelevant for the adjudication of the present dispute.

20. The Tribunal recalls that judicial review is not a *de novo* investigation and since the Applicant has failed to demonstrate the relevance of the requested evidence for the adjudication of the present matter, the Tribunal decides to deny the Applicant's motion.

*Applicant's other pending motions*

21. At this stage of the proceedings, the Tribunal considers it appropriate to instruct the Respondent to file his comments on the Applicant's pending motions, namely, the Applicant's 28 February 2024 second motion for leave to adduce evidence and her motion to reconsider her initial motion for anonymity.

**Conclusion**

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

- a. The Applicant's 10 January 2024 motion for production of evidence is rejected; and
- b. By **Friday, 13 September 2024**, the Respondent shall file his response to the Applicant's pending motions as per para. 21 above.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 4<sup>th</sup> day of September 2024

Entered in the Register on this 4<sup>th</sup> day of September 2024

*(Signed)*

René M. Vargas M., Registrar, Geneva