



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

SOOBRAYAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. By Judgment *Soobrayan* UNDT/2023/063, this Tribunal adjudicated Case No. UNDT/GVA/2022/007 (*Soobrayan*). The Respondent appealed said Judgment before the United Nations Appeals Tribunal (“UNAT” or the “Appeals Tribunal”).
2. By Judgment *Soobrayan* 2024 UNAT 1469/Corr.1, the Appeals Tribunal partially reversed the above UNDT Judgment and remanded the case for a hearing *de novo* in relation to two incidents.
3. On 14 August 2024, the remanded case, registered under Case No. UNDT/GVA/2022/007/R1, was assigned to the undersigned Judge.
4. By Order No. 114 (GVA/2024), the Tribunal decided to hold a virtual hearing on the merits on 10 and 11 October 2024 via Microsoft Teams and closed to the public.
5. On 23 September 2024, the parties were notified of a change to the tentative schedule due to time constraints of one of the witnesses.
6. On 4 October 2024, the Applicant filed a motion to adduce additional evidence. On the same day, the parties filed a joint bundle of documents for the upcoming hearing.
7. On 7 October 2024, the Respondent filed a motion for witness’ protection measures.

Consideration

The Applicant’s motion to adduce additional evidence

8. In support of his motion, Counsel for the Applicant acknowledges the lateness of his submission and argues that the additional evidence is pertinent as the Applicant was self-represented when the case was first adjudicated. He further claims that the new evidence is necessary to clarify the series of events regarding

the establishment of the LearnIn project that allegedly precipitated V01's raising historical allegations of sexual misconduct against the Applicant.

9. The Tribunal will instruct the Respondent to file a brief response to the Applicant's motion and will reserve its ruling to the start of the hearing on 10 October 2024. The parties are advised to be ready to proceed at the hearing with or without the new evidence.

The Respondent's motion for witness' protection measures

10. The Respondent requests the Tribunal to direct the Applicant to turn off his camera prior to V01 joining the virtual hearing, and to not interact with her during examination and cross-examination.

11. Since the Applicant is represented by Counsel, and the issues under challenge are of a sensitive nature, the Tribunal sees no prejudice to these proceedings in granting the accommodations that the Respondent requested for V01.

12. Accordingly, the Applicant shall turn off his camera before V01 is due to join the virtual hearing. He shall keep his camera off and not interact with her during examination and cross-examination, which shall be done exclusively through Counsel.

Conclusion

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

a. The Respondent shall file his response to the Applicant's 4 October 2024 motion by **Tuesday, 8 October 2024 (COB Geneva time)**; and

b. The Respondent's motion is granted, as per paras. 10-12 above.

(Signed)

Judge Sun Xiangzhuang

Dated this 7th day of October 2024

Case No. UNDT/GVA/2022/007/R1

Order No. 127 (GVA/2024)

Entered in the Register on this 7th day of October 2024

(Signed)

René M. Vargas M., Registrar, Geneva