



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

DE DOBBELAERE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

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 17 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) of 30 January 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 17 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.

13. By Order No. 102 (GVA/2024) of 4 September 2024, the Tribunal decided to deny the Applicant's 10 January 2024 motion for production of evidence and instructed the Respondent to file his response to the Applicant's pending motions.

14. On 13 September 2024, the Respondent filed his response to the Applicant's pending motions.

Consideration

15. The Tribunal will address the parties' pending motions.

Applicant's motion for reconsideration of anonymity

16. By Order No. 8 (GVA/2024) of 30 January 2024, the Tribunal rejected the Applicant's motion for anonymity filed on 11 November 2023. In her 29 February 2024 motion for reconsideration of anonymity, the Applicant indicates that one month after filing her initial motion, she received a copy of the closure report, which contains several allegations against her, including on issues related to her health, behaviour and performance.

17. In his response to the Applicant's motion, the Respondent does not object to the Applicant's request for anonymity.

18. Considering the arguments put forward by the parties and after reviewing the content of the closure report, the Tribunal does not consider it necessary to change its previous decision on anonymity. The details of the Applicant's medical history will not be relied upon or refer to in the judgment and the Tribunal finds that the Applicant's arguments concerning her behaviour, performance or even the allegations of harassment are not persuasive in connection with a reconsideration of its initial ruling on the Applicant's request for anonymity.

19. Consequently, the Applicant's motion to reconsider anonymity is rejected.

Applicant's motion for leave to adduce evidence

20. The Applicant requests the Tribunal to accept as evidence into the record the following eight annexes included in her 28 February 2024 motion:

- a. A “witness declaration” dated 16 January 2024 (annex 1);
- b. Transcripts of Microsoft Teams exchanges between the Applicant and Ms. K (annex 2);
- c. Email correspondence between the Applicant and Ms. K (annex 3);
- d. Email correspondence on “training of trainers” (annex 4)
- e. Screenshots of call logs with the Applicant’s supervisor (annex 5);
- f. A WhatsApp message of 19 November 2021 allegedly sent by the Applicant to a friend following an incident with her supervisor (annex 6);
- g. A WhatsApp message of 29 March 2022 allegedly sent by the Applicant to a friend following an incident with her supervisor (annex 7); and
- h. Proof of harm in the form of a medical certificate dated 16 January 2024 (annex 8).

21. The Respondent notes that 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. He points out that these proceedings are not an inquiry into whether the Applicant’s former supervisor did, in fact, engage in those actions against her.

22. The Respondent does not object to the admission of annexes 1 to 7 to the extent that they may be relevant to assess whether the contested decision was lawful. However, he objects to the admission of annex 8.

23. Having considered the evidence on record, the Tribunal decides to accept into evidence only annexes 1 to 7 to the Applicant's 28 February 2024 motion. The Tribunal will not enter annex 8 into evidence as the document refers to the Applicant's diagnosis "following events in her workplace", which is not sufficient to conclude, as the Respondent indicated, that the contested decision caused the Applicant's health issues.

Closing submissions

24. Having reviewed the evidence on record and the parties' submissions to date, the Tribunal considers itself sufficiently informed to render its judgment without further disclosure of evidence or the holding of a hearing on the merits.

25. Pursuant to art. 19 of the Tribunal's Rules of Procedure, and for the fair disposal of the case, the parties are instructed to file their respective closing submission. Upon filing of closing submissions, the Tribunal will move forward with the adjudication of the case.

Conclusion

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

- a. The Applicant's motion for reconsideration of anonymity is rejected;
- b. The Applicant's motion for leave to adduce evidence is partially granted as indicated in para. 23 above; and
- c. By **Friday, 15 November 2024**, the parties shall file their respective closing submission, which shall:
 - i. Exclusively refer to the evidence already on file; and
 - ii. Not exceed 10 pages, using font Times New Roman, font size 12 pts and 1.5 line spacing.

(Signed)

Judge Sun Xiangzhuang

Dated this 1st day of November 2024

Case No. UNDT/GVA/2023/053/T

Order No. 133 (GVA/2024)

Entered in the Register on this 1st day of November 2024

(Signed)

René M. Vargas M., Registrar, Geneva