



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/074  
Order No.: 188 (NBI/2018)  
Date: 11 December 2018  
Original: English

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**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
MOTION FOR CLARIFICATION OF  
ORDER NO. 171 (NBI/2018)**

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**Counsel for the Applicant:**  
Michael Brazao, OSLA

**Counsel for the Respondent:**  
Nicole Wynn, ALS/OHRM  
Nusrat Chagtai, ALS/OHRM

## **Introduction**

1. At the time of the application, the Applicant was employed at the United Nations Mechanism for International Criminal Tribunals (MICT) on a fixed-term appointment and was based in Arusha.

## **Procedural History**

2. On 19 July 2017, the Applicant filed an application challenging the decision(s) made in respect of the complaint she filed pursuant to ST/SGB/2008/5 on the Prohibition of Discrimination, Harassment including Sexual Harassment and Abuse of Authority. She complains that the process was irregular and also requests disclosure of a copy of the panel's report.

3. The Respondent filed his reply to the application on 17 August 2017.

4. On 12 October 2017, the Applicant filed a motion to amend her pleadings including her additional and amended pleadings with the motion. This was granted without opposition.

5. The Respondent filed additional documents on 26 October 2017.

6. On 12 April 2018, the Applicant filed a motion for an expedited hearing of this matter.

7. On 4 September 2018, the Tribunal issued Order No. 131 (NBI/2018) setting this matter down for a case management discussion (CMD).

8. The CMD took place on 20 September 2018.

9. Among the matters discussed at the CMD was the Applicant's motion for anonymity in these proceedings. The Respondent, reciprocally, requested anonymity for another staff member implicated in this case. Anonymity, as requested by both parties, was granted in Order No. 142 (NBI/2018) on 21 September 2018.

10. The Applicant filed a motion for disclosure of the Special Investigations Unit (SIU) report on 12 October 2018. The Respondent filed his response to the motion on 22 October 2018.

11. On 31 October 2018, this Tribunal issued Order No. 171 (NBI/2018) granting the Applicant's motion for disclosure of the SIU Report.

12. On 5 November 2018, the Respondent disclosed SIU's First and Supplementary Reports.

13. On 30 November 2018, the Applicant filed the subject motion of this Order seeking clarification of the scope of Order No. 171 (NBI/2018).

**Order**

14. Having heard the Applicant's submissions in the motion for clarification, the Tribunal hereby clarifies that the directive in Order No. 171 (NBI/2018) was for disclosure of the SIU Investigation Report.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 11<sup>th</sup> day of December 2018

Entered in the Register on this 11<sup>th</sup> day of December 2018

*(Signed)*

Eric Muli, Legal Officer, for  
Abena Kwakye-Berko, Registrar, Nairobi