



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

EL-MEEHY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

Halil Göksan, AS/ALD/OHR/UN Secretariat

Tamal Mandal, AS/ALD/OHR/UN Secretariat

Introduction

1. On 21 November 2024, the Tribunal issued Order No. 156 (NBI/2024) directing the parties as follows:

a. The Applicant's Counsel to file summaries of the testimonies intended to be adduced from the Applicant and the Applicant's treating Psychiatrist by 9 December 2024.

b. The Applicant to include a motion for anonymity with her filing if she wished to do so.

c. The Respondent to file a response to the Applicant's submissions by 16 December 2024.

d. The parties to indicate the dates/times of their availability and the availability of the Applicant's witness for a hearing between mid to end January 2025.

2. The parties complied with said Order as directed.

Parties' responses to Order No. 156 (NBI/2024)

Applicant

3. The Applicant submits that:

a. Her testimony will assist the Tribunal in having a better understanding of her case considering that her situation is long standing and presents many layers of complexity.

b. Her treating Doctor has informed her that she will require payment to compensate her for any time spent attending a hearing, therefore, the Applicant requests to tender a written statement from the Doctor instead.

Respondent

4. In response to Order No 156, the Respondent submits:
 - a. An oral hearing would not be in the interest of justice and would not assist the Tribunal in expeditious and fair adjudication of the case. The case record is comprehensive, there are no disputed facts necessitating the hearing of witnesses and the case is ripe to be adjudicated on the papers.
 - b. The Applicant failed to specify the disputed facts she would testify to, and her proposed testimony is irrelevant to ESCWA's decision denying her telecommuting requests.
 - c. The Applicant already had the opportunity to present her case with her application. An oral hearing solely for her "day in court" and her testimony on irrelevant matters would not assist the expeditious disposition of this case.
 - d. The Applicant also failed to specify the disputed facts her treating Doctor would testify in writing and the Doctor's proposed written testimony on the Division of Healthcare Management and Occupational Safety and Health's reassessment of her medical clearance is irrelevant to the present case.

Consideration

5. The Tribunal agrees with the Respondent that the Applicant has failed to specify the disputed facts upon which testimony from herself and her treating physician would shed light. From the Applicant's submissions, she will at this point want to submit written testimony from the Doctor, not oral testimony.
6. In view of this, the Applicant shall submit her Doctor's proposed written statement for review. The Respondent will be given an opportunity to comment on the statement. The Tribunal shall determine whether to hold an oral hearing having considered the parties' responses.

Conclusion

7. In view of the foregoing, it is ORDERED THAT:
- a. The Applicant shall file a submission setting forth exactly what facts are in dispute and the specific testimony that is being offered regarding each disputed fact by **Thursday, 2 January 2025**;
 - b. The Applicant shall, on the same date also file her Doctor's written statement;
 - c. The Respondent shall file any response thereto by **Friday, 10 January 2024**;
 - d. The Tribunal shall determine whether to hold an oral hearing having considered the parties' responses.

(Signed)

Judge Sean Wallace

Dated this 20th day of December 2024

Entered in the Register on this 20th day of December 2024

(Signed)

Wanda L. Carter, Registrar, Nairobi