UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/004
Order No.: 152 (NBI/2025)
Date: 3 September 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

EL-SIBAII

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:
Robbie Leighton, OSLA

Counsel for Respondent:
Lucienne Pierre, AS/ALD/OHR/UN Secretariat
Tamar Gongadze, AS/ALD/OHR/UN Secretariat

Introduction

1. By application filed on 17 January 2025, the Applicant, a Programme Management Officer working with the United Nations Economic and Social Commission for Western Asia filed an application contesting the decision to close her complaint of harassment and abuse of authority without investigation.

2. In the middle of para. 25 of the application, the Applicant requests "disclosure of the memo[randum] by which the Assistant Secretary-General, Office of Human Resources ("ASG/OHR") purportedly provided advice to the Chef de Cabinet and the memo[randum] by which the Secretary-General's decision was communicated to the ASG/OHR." The Applicant contends that if the decision was taken by the Secretary-General, as claimed by the Respondent, these documents should exist and are in the possession of the Respondent.

3. The Respondent submitted a reply on 20 February 2025, in which it argues that the application has no merit.

4. By Order No. 134 (NBI/2025), the Respondent was directed to file a copy of the memorandum or other relevant correspondences by which the Secretary-General's decision was communicated to ASG/OHR.

5. The Respondent complied with the order and filed the requested document on 1 September 2025. The Respondent filed a redacted copy as R/1 and filed an unredacted copy, R/2, as an *ex parte* filing. The reason given for filing the redacted copy and another version filed *ex parte* is because the document contains confidential information regarding non-parties to this litigation.

Consideration

6. The Tribunal notes that some redactions are appropriate, but the Respondent's redactions went too far. The Tribunal has undertaken its own redaction. Accordingly, the revised redacted version, attached to this order, will be accepted for filing.

7. Having accepted the revised redacted version of R/2, the Tribunal requests the Applicant to comment on the same, considering that she is the one who requested for its disclosure.

Conclusion

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

a. The Tribunal's redacted version of R/2 is accepted for filing.

b. On or before **Friday, 12 September 2025**, the Applicant shall file comments on R/2 and clarify whether she still maintains whether the contested decision was not taken by the responsible authority.

(Signed)
Judge Sean Wallace
Dated this 3rd day of September 2025

Entered in the Register on this 3rd day of September 2025

(Signed)
Wanda L. Carter, Registrar, Nairobi