



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

OSLA

Counsel for Respondent:

Nicole Wynn, ALD/OHR, UN Secretariat
Nusrat Chagtai, ALD/OHR, UN Secretariat

Introduction

1. By Order No. 74 (NBI/2019) dated 12 June 2019, the Tribunal scheduled a hearing to be held in January 2020 to hear the following witnesses: the Applicant, the Chief, Human Resources Section, International Residual Mechanism for the International Tribunals (“IRMCT”), the Registrar of the IRMCT, the Alternate Focal Point for Women/Gender representative of the IRMCT and the President of the United Nations Criminal Tribunals Staff Union. The Tribunal further directed the Applicant to identify one of the proposed witnesses on the issue of the emotional impact, work environment and lack of access to the subject Medical Officer.

2. In her 26 November 2019 submission, the Applicant identified Mr. Gregory Shankman as the proposed witness on the issue of the emotional impact, work environment and lack of access to the Medical Officer.

3. In his 29 November 2019 submission, the Respondent requested hearing the Director of the Division of Healthcare Management and Occupational Safety and Health (DHMOSH). The Respondent stated that the Director, DHMOSH had been consulted at the relevant time by both the previous and current Registrars of the IRMCT prior to the administrative decision.

4. The Respondent also sought admission of written evidence as follows: correspondence between the previous Registrar of the IRMCT and the Director, DHMOSH concerning the contested administrative decision; correspondence between officials of the IRMCT and the Applicant at the relevant time, showing that she was kept abreast of relevant information and documents related to the Applicant’s current position with the Organization. The Respondent further moved the Tribunal to order the Applicant to disclose information of any employment offers she may have received, as this would be relevant to the issue of damages.

5. By Order No. 208 (NBI/2019) dated 5 December 2019, at the Applicant's request, the Tribunal transferred this case to the New York Registry.

6. This case was assigned to the undersigned Judge on 1 April 2020.

Consideration

7. Having reviewed the parties' submissions, the Tribunal finds that the testimony of the Director, DHMOSH may be relevant to the procedural issues in dispute in this case. The Tribunal will therefore hear the Director's testimony. The Tribunal further finds that the correspondence between the former Registrar and the Director, DHMOSH relative to the issue under review, as well as the contemporaneous correspondence between IRMCT officials and the Applicant may also be relevant to the procedural issues in dispute and accepts their submission to the file.

8. The Tribunal further finds that the evidence pertaining to the Applicant's current employment status and declined job offers may be relevant to the issue of damages and accepts its submission to the file.

9. Following the change of venue in this case, the hearing scheduled for January 2020 was inevitably postponed. The Tribunal will now schedule this hearing to hear the testimonial evidence during the week of 4 to 8 May 2020. The parties will confirm the availability for those dates of the following witnesses: the Applicant; the Registrar of the IRMCT; the Chief, Human Resources Section, IRMCT; the Alternate Focal Point for Women/Gender representative of the IRMCT; the President of the United Nations Criminal Tribunals Staff Union, Mr. Gregory Shankman, and the Director, DHMOSH.

IT IS ORDERED THAT:

10. The Tribunal will hear evidence during the week of 4 to 8 May 2020 from the following witnesses:

- a. The Applicant;
- b. The Registrar, IRMCT;
- c. The Director, DHMOSH;
- d. The Chief, Human Resources Section, IRMCT;
- e. The Alternate Focal Point for Women/Gender representative of the IRMCT;
- f. The President of the United Nations Criminal Tribunals Staff Union;
- g. Mr. Gregory Shankman.

11. By **4:00 p.m. on Wednesday, 22 April 2020**, the parties shall confirm the availability of the above-referred witnesses.

12. The Respondent's request for submission of correspondence between the former Registrar of the IRMCT and the Director, DHMOSH and between officials of the IRMCT and the Applicant as well as record of the Applicant's current employment as listed in para. 7 of the Respondent's submission of 29 November 2019 is granted, subject to objection during the hearing if proffered as evidence.

13. The Respondent's request for disclosure of offers of employment declined by the Applicant is granted.

14. By **4:00 p.m. on Wednesday, 22 April 2020**, the Applicant shall submit evidence of any offer of employment she may have received and declined from the date she submitted the complaint of sexual harassment to the date of her appointment to the post she currently encumbers, subject to objection during the hearing.

15. The Tribunal will set the exact day of the hearing once the availability of the witnesses is confirmed.

16. All practical arrangements for the organization of the hearing will be coordinated through the New York Registry of the Dispute Tribunal.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 3rd day of April 2020