		Case No.:	UNDT/NY/2019/096
	UNITED NATIONS DISPUTE TRIBUNAL	Order No.:	80 (NY/2020)
		Date:	24 April 2020
		Original:	English

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:
Katya Melluish, OSLA

Counsel for Respondent:
Nicole Wynn, ALD/OHR, UN Secretariat
Nusrat Chagtai, ALD/OHR, UN Secretariat

1.   On 22 April 2020, the parties filed submissions on the availability of the proposed witnesses as directed by Order No. 60 (NY/2020), dated 3 April 2020.

2.   The Respondent confirmed the availability of the following witnesses: the Registrar of the Residual Mechanism for the International Criminal Tribunals ("RMICT"), the Chief of the Human Resources Section, RMICT and the Director of the Division of Healthcare Management and Occupational Safety and Health.

3.   The Applicant confirmed that the Applicant and Mr. Gregory Shankman are available to testify on the prescribed dates.

4.   The Applicant further requested leave to substitute the former Focal Point for Women/Gender officer's testimony for that of the Alternate Focal Point for Women/Gender officer who would provide evidence on the same subject matter.

5.   The Applicant further sought leave to substitute Ms. Alaina Synder's testimony for that of the former President of the Staff Union of the United Nations. Ms. Synder would testify on the same subject matter as that of the former President of the Staff Union.

6.   Given that the proposed substitutions do not alter the subject matter of the proposed testimonies and the proposed witnesses were involved in the facts at the relevant time, the Tribunal allows the requested changes. Accordingly, Ms. Gabrielle McIntyre will testify instead of the Alternate Focal Point for Women/Gender officer and Ms. Alaina Synder will testify instead of the former President of the United Nations Staff Union.

7.   The Applicant further moves the Tribunal to hear the testimony of Ms. Purna Sen, of UN Women, as an expert witness on the implementation of the sexual harassment framework within the United Nations. The Tribunal finds this proposed testimony *prima facie* relevant as the merits of this case revolve around the application

of ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment and abuse of authority) and will accept Ms. Sen's testimony.

8.   The Applicant further submits documentary evidence as directed by the Tribunal in Order No. 60 (NY/2020) and seeks admission of further evidence in rebuttal to the evidence submitted by the Respondent on the issue of whether the Applicant was kept informed and whether reasonable efforts were made to accommodate her under the circumstances. Further, the Applicant submits medical documentation submitted to the fact-finding panel investigating the Applicant's allegations of sexual misconduct. She claims that this evidence is relevant on the issue of the adequacy of the investigation. The Applicant further submits documents concerning the question of "adequate medical provision" and the absence of a gender focal point, which are in dispute.

9.   The Tribunal finds the proposed additional documentary evidence to be *prima facie* relevant to the issues in dispute in this case and allows their addition to the case file.

10.   In light of the above,

IT IS ORDERED THAT:

11.   The Tribunal will hear the testimony from Ms. Gabrielle McIntyre, Ms. Alaina Synder and Ms. Purna Sen. **By 4:00 p.m. on Monday, 27 April 2020**, the Applicant will confirm, by email to the Registry, the availability of these witnesses.

12.   The additional evidence submitted by the Applicant is admitted.

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

14.   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 24th April 2020