



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

RAMOS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Marcos Zunino, OSLA

Counsel for Respondent:

Lucienne Pierre, ALD/OHR, UN Secretariat

Jonathan Croft, ALD/OHR, UN Secretariat

Introduction

1. By Order No. 9 (NY/2021) dated 11 February 2021, the Tribunal made the following orders:

25. The Applicant's 20 January 2021 request for the Respondent to produce certain written documentation is granted:

- a. By **4:00 p.m. on Wednesday, 3 March 2021**, the Respondent is to upload copies of all the relevant emails into the Tribunal's eFiling portal;
- b. By **4:00 p.m. on Wednesday, 10 March 2021**, the Applicant is to submit which, if any, of these documents he wishes to submit into evidence;
- c. By **4:00 p.m. on Wednesday, 17 March 2021**, the Respondent is to submit his comments, if any, thereto;

26. The Respondent's 20 January 2021 request to submit into evidence the audio-recording and transcripts of the OIOS statements of the Applicant, the alleged victim, EA, TDG, ... CM and GM is granted;

27. A virtual hearing shall be held at which the Applicant, the alleged victim, EA, TDG, ... CM and GM are to give testimony;

28. The Respondent is to lead the hearing of all the witnesses, whereas the Applicant will subsequently be provided with the possibility to cross-examine them;

29. In preparation for this hearing, **by 4:00 p.m. on Wednesday, 17 March 2021**:

- a. The Respondent is to file written witness testimonies for all witnesses. This can be done by reference to the written testimonies prepared by the OIOS's investigators, by reference to the summaries given in the contested disciplinary decision, or by submitting succinct written witness statements signed by each of the witnesses. Any or parts of these written references/statements can be adopted by the witnesses as the Respondent's examination-in-chief;
- b. The parties are to coordinate and submit to the New York Registry, for the approval of the Tribunal, the dates and

time for the hearing sessions, which are to take place from during the time period of 10:00 a.m. to 5:00 p.m. on two days from 6 to 9 April 2021, and the hearing of each witness will be allotted the time indicated in the above. When the dates have been confirmed by the Tribunal, the Registry will contact the parties regarding the practical arrangements for conducting a virtual hearing.

2. On 24 February 2021, the Respondent filed the copies of the relevant emails as per para. 25(a) of Order No. 9 (NY/2021).
3. On 10 March 2021, the Applicant requested the admission into evidence of seven specific emails in accordance with per para. 25(b) of Order No. 9 (NY/2021).
4. On 17 March 2021, with reference to paras. 25(c) and 29 of Order No. 9 (NY/2021), the Respondent commented on the Applicant's 10 March 2021 submissions. Regarding the written witness testimonies ordered by the Tribunal, the Respondent referred to the audio statements of the witnesses and the related transcripts of the testimonies before the investigative body that had already been filed with the Tribunal. The Respondent further indicated that GM had stated that did not wish to appear before the Tribunal as a witness because, being an employee of an entity not under the Tribunal's jurisdiction, he had no obligation to do so.
5. On the same date (17 March 2021), by email to the Registry, the Respondent forwarded the dates and times for the hearing that the parties had agreed upon, noting that EA had indicated that he would confirm his participation on 7 April 2021 on whether he could participate from 12:30 p.m. to 2:00 p.m. on 19 March 2021.

Consideration

6. The Tribunal notes that CM's statement does not appear to be included in the bundle of transcripts of the witness statements before the investigative body, which the Respondent submitted on 20 January 2021.

7. Also, if EA is not available on 7 April 2021 from 12:30 p.m. to 2:00 p.m., he can be heard on either 6 or 8 April 2021 at the same time.

8. Finally, considering the sensitive and private nature of the topics of the testimonies, the Tribunal has decided to close the virtual hearing to the public.

9. In light of the above,

IT IS ORDERED THAT:

10. By **4:00 p.m. on Friday, 19 March 2021**, the Respondent is to file the transcript of CM's statement to the investigative body or direct the Tribunal to where this transcript can be found in the case file;

11. In accordance with the parties' mutual agreement, they are to attend the virtual hearing with the following schedule of testimonies:

- a. **Tuesday, 6 April 2021**: the Applicant from 10:00 a.m. to 12:00 p.m.;
- b. **Wednesday, 7 April 2021**: the alleged victim (also referred to as the complainant) from 10:00 a.m. to 12:00 p.m.; and EA (tentatively) from 12:30 p.m. to 2:00 p.m.;
- c. **Thursday, 8 April 2021**: TDG from 10:00 a.m. to 11:00 a.m.; and CM from 11:00 a.m. to 12:00 p.m.

12. The hearing is to be closed to the public;
13. All practical arrangements for the organization of the hearing will be coordinated by the New York Registry of the Dispute Tribunal.

(Signed)

Judge Joelle Adda

Dated this 18th day of March 2021