



Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

SAINT-LOT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Jorge Diaz-Cueto

Counsel for Respondent:

Matthias Schuster, UNICEF

Alister Cumming, UNICEF

Introduction

1. By Order No. 120 (NY/2021) of 7 December 2021, the Tribunal granted the hearing of witness MB and directed the Respondent to confirm her availability to testify in January 2022.

2. On 10 January 2022, the Respondent confirmed MB's availability to testify on either 19, 20, 26 or 27 January 2022. Additionally, the Respondent requests several measures to ensure the protection of the witness' privacy and well-being.

Consideration

3. With respect to the scheduling of the testimony of MB, the Tribunal will hold a virtual hearing on Wednesday, 26 January 2022 from 09:00 to 11:30 a.m. New York time. The logistical details concerning the organization of the hearing will be coordinated by the New York Registry of the Dispute Tribunal.

4. The Respondent further requests that MB's hearing be held *in camera* (meaning that the public will not be allowed to attend), that the Applicant's camera be switched off during MB's testimony, that the Applicant's microphone be muted and that cross-examination of MB be conducted by the Applicant's Counsel only.

5. Additionally, the Respondent seeks the Tribunal to authorize the participation of the Head of UNICEF, United Kingdom's legal section as support person for the witness during her testimony. The support person would not be in the same room as the witness and would not communicate with her or actively participate in the hearing during the witness' testimony.

6. Finally, the Respondent requests that MB be referred to as V01 in the public judgment to avoid any chance of identification.

7. The Respondent argues that the requested measures are required to address the witness' concerns, as victim of sexual harassment, regarding the possibility of being required to interact with the Applicant and in order to protect her privacy.

8. The Tribunal agrees that the measures requested would alleviate the witness' concerns with respect to recounting the events in dispute in court.

9. At the same time, the Applicant will retain his right to follow the proceedings, to see and hear the witness' testimony and to confront the evidence presented against him through his Counsel. Accordingly, the Tribunal is satisfied that requested protective measures are respectful of the Applicant's due process rights.

10. In light of the above,

IT IS ORDERED THAT:

11. The Respondent's motion is granted;

12. The Tribunal will hold a one-day hearing on **Wednesday, 26 January 2022 from 09:00 to 11:30 a.m. (New York time)** to hear the testimony of witness MB;

13. The hearing will be conducted *in camera* (meaning without access of the public);

14. Witness MB will be referred to as V01 in the upcoming public judgment in the present case;

15. The Applicant's camera will remain turned off and his microphone muted for the entirety of the witness' appearance;

16. The witness' cross-examination will be conducted exclusively by the Applicant's Counsel;

17. The Head of Legal, UNICEF United Kingdom is permitted to attend the hearing during the witness testimony but will refrain from participating in the hearing or interact with the witness during her testimony. Her microphone will remain muted throughout her attendance;

18. All practical details concerning the organization of the hearing will be coordinated by the New York Registry.

(Signed)

Judge Joelle Adda

Dated this 11th day of January 2022