



**Before:** Judge Francis Belle

**Registry:** New York

**Registrar:** Pallavi Sekhri, Officer-in-Charge

DRAGNEA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON PRODUCTION OF EVIDENCE**

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**Counsel for Applicant:**

Michael Horn, Archer & Greiner, PC

**Counsel for Respondent:**

Yehuda Goor, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 17 November 2021, the Applicant, a staff member of the United Nations Department for Safety and Security (“UNDSS”), contests:
  - a. The issuance to her of a notice of reprimand (“Notice”);
  - b. The placement of said notice in her file;
  - c. Her placement under a performance improvement plan (“PIP”); and
  - d. The outcome of the Management Evaluation Unit’s (“MEU”) review of the above decisions.
2. In her application, the Applicant requested, *inter alia*, an order for production of all evidence including a copy of all reports, CCTV recordings and telephone recordings in connection with the 29 March 2021 incident supporting the issuance of the Notice.
3. On 26 November 2021, the Respondent filed a motion requesting the Tribunal to determine receivability as a preliminary matter and suspend the deadline for the Respondent’s reply.
4. By email dated 29 November 2021, the Tribunal granted the Respondent’s request to suspend the deadline for his reply.
5. On 2 December 2021 and 10 December 2021, the Applicant filed her opposition and supplemental opposition to the Respondent’s motion to have receivability determined as a preliminary matter.
6. On 1 July 2022, the present case was assigned to the undersigned Judge.
7. By Order No. 061 (NY/2022) of 14 July 2022, the Tribunal granted in part the Respondent’s motion to have receivability determined as a preliminary matter and instructed the Respondent to file his reply to the application which he did on 15 August 2022.

### **Consideration**

8. The Applicant requested the Tribunal to order the production of all evidence including a copy of all reports, CCTV recordings and telephone recordings in connection with the 29 March 2021 incident supporting the issuance of the Notice.

9. In this respect, the Tribunal recalls that art. 9.1 of its Statute provides that it “may order production of documents or such other evidence as it deems necessary”. Furthermore, art. 18.2 of the Tribunal’s Rules of Procedure stipulates that:

The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.

10. Having reviewed the case file, the Tribunal finds it necessary, for a fair and expeditious disposal of the case, that the Respondent provide it with the following:

- a. The investigation report (including its annexes) into the incident of 29 March 2021; and
- b. The CCTV recordings of the incident of 29 March 2021.

11. Considering that providing investigation records to the Applicant in a non-disciplinary matter may cause prejudice to third parties, the Tribunal finds it appropriate to instruct the Respondent’s Counsel to file the above-mentioned documentary evidence on an *ex parte* basis.

12. Upon its examination of the above forthcoming filings, the Tribunal will rule on which *ex parte* documents, if any, are to be disclosed to the Applicant.

IT IS ORDERED THAT

13. By **Friday, 19 August 2022**, the Respondent file the documents listed in para. 10 above on an *ex parte* basis.

Case No. UNDT/NY/2021/058

Order No. 076 (NY/2022)

*(Signed)*

Judge Francis Belle

Dated this 17<sup>th</sup> day of August 2022