



Before: Judge Francis Belle

Registry: New York

Registrar: Morten Michelsen, Officer-in-Charge

DRAGNEA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

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 on 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:
 - a. 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; and
 - b. Oral hearing.
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. 61 (NY/2022) of 14 July 2022, the Tribunal granted in part the Respondent's motion to have receivability determined as a preliminary matter and further instructed the Respondent to file his reply to the application, which he did on 15 August 2022.

8. By Order No. 76 (NY/2022) of 17 August 2022, the Tribunal instructed the Respondent to file the following materials on an *ex parte* basis:

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.

9. On 18 August 2022, the Respondent filed the above-mentioned materials on an *ex parte* basis.

10. By Order No. 77 (NY/2022) of 23 August 2022, the Tribunal rejected the Applicant's request for an oral hearing and instructed the Respondent to redact the investigation report and its annexes and refile them on an under-seal basis, excepting the excerpts of CCTV recordings and third parties' statements. The Tribunal further ordered the Applicant to file a rejoinder by 1 September 2022 and invited the Respondent to file his response to the Applicant's rejoinder by 9 September 2022.

11. On 31 August 2022, the Applicant filed her rejoinder.

12. On 9 September 2022, the Respondent filed his response to the Applicant's rejoinder.

13. Having reviewed the parties' submissions, the Tribunal decided to convoke the parties to a case management discussion ("CMD"), which took place, as scheduled, on 19 September 2022, with a view to explore the possibilities of referral of the case to mediation.

Consideration

14. During the CMD, the Applicant expressed his consent to mediate the case. While the Respondent's Counsel acknowledged the advantages of mediation, he informed the Tribunal that he would have to seek approval from his senior management about entering into mediation.

15. The Tribunal regrets that although it explicitly informed the parties on 13 September 2022 that the purpose of the CMD was to explore the possibilities of referral of the case to mediation, the Respondent was not ready to give his position in this regard during the CMD.

16. For the fair and expeditious disposal of the case, the Tribunal finds it appropriate to instruct the Respondent to inform it whether he would agree to enter into mediation by 26 September 2022.

17. Pursuant to art. 19 of the Tribunal's Rules of Procedure,

IT IS ORDERED THAT

18. By **Monday, 26 September 2022**, the Respondent inform the Tribunal about his position on whether he would like to engage in mediation of the case.

(Signed)

Judge Francis Belle

Dated this 20th day of September 2022