



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1681

Claude Cahn
(Respondent/Applicant)
v.
Secretary-General of the United Nations
(Appellant/Respondent)
ORDER No. 457 (2022)

1. On 31 January 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Geneva issued Judgment No. UNDT/2022/008 in the case of *Cahn v. Secretary-General of the United Nations*, in which the UNDT partially granted Mr. Claude Cahn's application contesting the decision to close his harassment and abuse of authority complaint against his first reporting officer and awarding him seven months' net base salary in compensation for harm suffered.
2. On 1 April 2022, the Secretary-General appealed the UNDT Judgment to this Tribunal. The Registry transmitted the Secretary-General's appeal to Mr. Cahn on 4 April 2022.
3. On 18 May 2022, the Executive Secretary of the Staff Union of the United Nations Office at Geneva (UNOG) filed a Motion for Documentation requesting a copy of the Secretary-General's appeal to facilitate the preparation and filing of an Amicus Brief in regard to this case, as it may have significant implications for the rights of the staff at large.
4. The Registry has referred this motion to me for directions.
5. I take the preliminary view that it is not appropriate for a third party to apply to file an Amicus Brief simply to gain access to the Appellant's appeal documents, even if that is with a view to having a role in the appeal as an Amicus.

6. The UNOG Staff Union should now, in an amended motion, set out its grounds for filing an Amicus Brief. It should have sufficient information, from Judgment No. UNDT/2022/008 and the fact that the Secretary-General has appealed that Judgment, to formulate its amended motion. Once that amended motion has been filed, it should be referred to the Appellant and the Respondent for their submissions pursuant to Rule 17 of the UNAT's Rules of Procedure. The motion and responses to it should then be referred to me for decision.

7. If leave is granted then to allow the UNOG Staff Union to file an Amicus Brief, it is likely that it will then be entitled to have access to the Appellant's documents filed so that the UNOG Staff Union can address the pertinent points at issue on the appeal.

IT IS HEREBY ORDERED that the UNOG Staff Union should file an amended motion to set out its grounds for filing an Amicus Brief.

Original and Authoritative Version: English

Dated this 20th day of May 2022 in
Auckland, New Zealand.

(Signed)
Judge Graeme Colgan
President

Entered in the Register on this 20th day
of May 2022 in New York, United States.

(Signed)
Weicheng Lin
Registrar