



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

BANAJ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Christopher Bollen

Counsel for Respondent:

Jérôme Blanchard, LPAS, UNOG

Introduction

1. On 21 May 2019, the Applicant, a staff member of the United Nations Office on Drugs and Crime (“UNODC”), filed an application before the Dispute Tribunal, contesting the Administration’s decision to temporarily reassign certain of her functions as Head of the UNODC Office in Albania.
2. On 26 March 2021, the Tribunal issued Judgment *Banaj* UNDT/2021/030 dismissing the Applicant’s application.
3. The Applicant appealed and by Judgment *Banaj* 2022-UNAT-1202 the Appeals Tribunal set aside the above-mentioned UNDT Judgment and remanded the case to this Tribunal to determine remedies in conjunction with its judgment on the Applicant’s substantive challenge to the Administration’s conclusion of misconduct by her and the sanctions imposed on her for this, which was registered under Case No. UNDT/GVA/2021/006.
4. On 21 June 2022, the Tribunal issued Judgment *Banaj* UNDT/2022/060 in Case No. UNDT/GVA/2021/006 dismissing the application.
5. The remanded case was registered under Case No. UNDT/GVA/2019/031/R1. It was assigned to the undersigned Judge on 30 June 2022.

Consideration

6. In its Judgment *Banaj* 2022-UNAT-1202, the Appeals Tribunal concluded that the contested decision must be set aside. However, as to remedies, it states as follows:

the position is complicated by the pending decision by the UNDT on the substantive justification for the Respondent’s conclusion of misconduct by Ms. Banaj and the sanctions imposed upon her for that. Ms. Banaj may or may not be successful in that case. This question before us now of remedies for the wrongful imposition of the interim measures is closely linked to any remedies to which she may be entitled if she is successful in the substantive proceedings. We consider that the most just course is to remand the matter of

remedies to be decided by the UNDT in light of its substantive decision on the sanctions for misconduct.

7. In its Judgment *Banaj* UNDT/2022/060, this Tribunal upheld the disciplinary measure, dismissed the Applicant's claim for damages on grounds that she did not provide any evidence supporting that she suffered harm, and reserved the remedies for the unlawful temporary reassignment of certain of her functions to the present case.

8. Having reviewed the case record and considered the Appeals Tribunal's instructions, the Tribunal finds it appropriate and in the interest of justice to direct the Respondent to submit his comments on remedies arising out of the unlawful contested decision following the Appeals Tribunal's Judgment *Banaj* 2022-UNAT-1202.

9. In accordance with the principle of equality of arms, the Tribunal will give the Applicant an equal opportunity to respond to the Respondent's submission.

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

IT IS ORDERED THAT

11. The Respondent file his comments on remedies pursuant to para. 8 by **Thursday, 14 July 2022.**

12. The Applicant file her response to the above-mentioned submissions by **Thursday, 28 July 2022.**

(Signed)

Judge Teresa Bravo

Dated this 1st day of July 2022

Entered in the Register on this 1st day of July 2022

(Signed)

René M. Vargas M., Registrar, Geneva