



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON  
THE APPLICANT'S MOTION  
TO ADDUCE EVIDENCE OF HARM**

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**Counsel for Applicant:**

Marcos Zunino, OSLA  
Ana Giulia Stella, OSLA

**Counsel for Respondent:**

Isavella Maria Vasilogeorgi, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 3 August 2020, the Applicant, a staff member of the United Nations Office on Drugs and Crime (“UNODC”), contests the decision to impose on him the disciplinary sanction of loss of five steps, and deferment for two years of eligibility for consideration for promotion, as well as the administrative measure of requiring him to take training to improve his gender awareness and managerial sensitivity towards handling harassment issues.
2. On 2 September 2020, the Respondent filed his reply.
3. On 10 November 2021, the present case was assigned to the undersigned Judge.
4. On 6 January 2022, the Tribunal issued Order No. 1 (GVA/2022) notifying the parties of a tentative schedule for a hearing on the merits.
5. On 13 January 2022, the Applicant filed a motion requesting the Tribunal to admit the following eight documents into the record:
  - a. Email from Ms. Birgit Strobl to the Applicant, dated 24 June 2019, informing him of his selection to the temporary position of Regional Director (D-1 level), UNODC Dakar;
  - b. Email from Ms. Candice Welsch to the Applicant, dated 2 December 2019, informing him of the extension of his temporary D-1 assignment;
  - c. Correspondence of the Applicant with Ms. Miwa Kato, dated 20 May 2020, informing the Applicant that he was being reassigned to his P-5 post in Vienna;
  - d. Email from Ms. Kato to UNODC staff, dated 1 June 2020, informing them of the Applicant’s reassignment from the D-1 post in Dakar to the P-5 post in Vienna;

- e. Email from Ms. Kato to the Applicant, dated 12 June 2020, informing the Applicant that he had been placed in the Regional/Country Director, D-1 roster for UNODC;
  - f. Correspondence of the Applicant with Ms. Kato, dated 17-20 July 2020, concerning nomination for the Resident Coordinator, Assessment Centre;
  - g. Correspondence of the Applicant with Ms. Rosine Brigitte Boehme, dated 29 October-2 November 2020, concerning the Applicant's shortlisting for a written assessment for the D-1 post of Chief of Branch, Political Affairs, United Nations Office of Counter-Terrorism; and
  - h. Correspondence of the Applicant with UNODC staff, dated 7 April-4 May 2021, concerning the Resident Coordinator/Humanitarian Coordinator Talent Pipeline.
6. On 18 January 2022, the Respondent filed his response to the Applicant's motion to adduce evidence.

### **Consideration**

7. In support of his motion, the Applicant submits that the above evidence supports the Applicant's claim for damages arising from the contested decision. Specifically, the Applicant argues that as a result of the disciplinary measure, he suffered various adverse consequences affecting his reputation, career prospects and lost clear chances of promotion.
8. In this respect, the Tribunal recalls that pursuant to art. 18.1 of its Rules of Procedure, it shall determine the admissibility of any evidence and, under art. 18.5, it may exclude evidence it considers irrelevant, frivolous or lacking probative value.
9. Having reviewed the documents that the Applicant seeks to include in the record, the Tribunal does not deem any of these documents to fall under the exclusion scope of art. 18.5 of the Tribunal's Rules of Procedure. The Tribunal will decide, however, during its deliberation what weight to attach to each document.

10. Accordingly, the Tribunal finds it appropriate to grant the Applicant's motion.

**Conclusion**

11. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion to adduce evidence of harm is granted; and
- b. The eight documents listed in para. 5 above shall be part of the record of this case and may be included in the bundle of hearing documents at the commencement of the oral hearing on the merits scheduled to start on 24 January 2022.

*(Signed)*

Judge Teresa Bravo

Dated this 24<sup>th</sup> day of January 2022

Entered in the Register on this 24<sup>th</sup> day of January 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva