



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

SOOBRAYAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. By Judgment *Soobrayan* UNDT/2023/063, this Tribunal adjudicated Case No. UNDT/GVA/2022/007 (*Soobrayan*). The Respondent appealed said Judgment before the United Nations Appeals Tribunal (“UNAT” or the “Appeals Tribunal”).

2. By Judgment *Soobrayan* 2024-UNAT-1469/Corr.1, the Appeals Tribunal partially reversed the above UNDT Judgment and remanded the case for a hearing *de novo* in relation to two incidents.

3. On 14 August 2024, the remanded case, registered under Case No. UNDT/GVA/2022/007/R1, was assigned to the undersigned Judge.

4. By Order No. 95 (GVA/2024), the Tribunal invited the parties to a virtual case management discussion (“CMD”), which took place via Microsoft Teams on 27 August 2024.

5. By Order No. 98 (GVA/2024), the Tribunal instructed the parties to confirm the availability of their proposed witnesses to virtually attend a hearing on the merits on any date between 23 September and 4 October 2024. It also encouraged the parties to explore alternative dispute resolution via an amicable settlement, asking them to revert back to the Tribunal in this respect by 20 September 2024.

6. On 20 September 2024, the parties informed the Tribunal that there was no prospect of an informal settlement.

Consideration

7. On 30 August 2024, Counsel for the Applicant confirmed the availability of the Applicant and his witness, Mr. MG, to attend a virtual hearing on the proposed time. After a request for an extension of time, Counsel for the Respondent confirmed the attendance of his witnesses. However, their availability did not match the proposed time window.

8. Due to the foregoing, the Registry staff and Counsel informally met to discuss different dates for a virtual hearing and agreed on 10 and 11 October 2024. Counsel for the Applicant confirmed availability of the Applicant and his witness during the informal discussion. By email dated 19 September 2024, Counsel for the Respondent confirmed the availability of his witnesses for the proposed dates.

9. According to Judgment *Soobrayan* 2024-UNAT-1469/Corr.1, the Tribunal is instructed to conduct a hearing *de novo* on the following allegations of misconduct raised against the Applicant:

- a. Harassment in that on 11 September 2019, while on mission to Ashgabat, Turkmenistan, the Applicant entered V01's hotel room while she was sleeping, touched her, and stood over her when she woke up (Incident 1); and
- b. Sexual harassment in that in March 2020, while within the ECARO offices in Geneva, the Applicant gave a neck massage to V01 without asking for her permission (Incident 2).

10. Having assessed the relevance of the testimonies that the parties proposed, the Tribunal finds that the following witnesses are indeed connected or relevant to the current proceedings:

- a. The Applicant;
- b. V01;
- c. Mr. MG;
- d. Ms. NB;
- e. Ms. RC; and
- f. Mr. GK.

11. The hearing on the merits will be closed to the public and virtually held on Microsoft Teams on 10 and 11 October 2024, and limited in scope to the two

incidents that UNAT identified in its Judgment *Soobrayan* 2024-UNAT-1469/Corr.1.

Tentative schedule

12. Based on the foregoing, the tentative schedule of the hearing, which may be subject to change, is as follows:

Thursday, 10 October 2024 (all times are Geneva time)

8.30 a.m. to 9.30 a.m.	Parties' opening statements
9.30 a.m. to 1.30 p.m.	The Applicant. Examination-in-Chief by Counsel for the Applicant, and Cross-Examination by Counsel for the Respondent.
1.30 p.m. to 2.30 p.m.	Lunch break
2.30 p.m. to 6.30 p.m.	V01. Examination-in-Chief by Counsel for the Respondent, and Cross-Examination by Counsel for the Applicant.

Friday, 11 October 2024 (all times are Geneva time)

8.30 a.m. to 10.30 a.m.	Mr. MC. Examination-in-Chief by Counsel for the Applicant, and Cross-Examination by Counsel for the Respondent
10.30 a.m. to 12.30 p.m.	Ms. NB. Examination-in-Chief by Counsel for the Respondent, and Cross-Examination by Counsel for the Applicant.
12.30 p.m. to 1.30 p.m.	Lunch break
1.30 p.m. to 3.30 p.m.	Ms. RC. Examination-in-Chief by Counsel for the Respondent, and Cross-Examination by Counsel for the Applicant.
3.30 p.m. to 5.30 p.m.	Ms. GK. Examination-in-Chief by Counsel for the Respondent, and Cross-Examination by Counsel for the Applicant.
5.30 p.m. to 6.30 p.m.	Closing statements

13. The parties are further advised to adhere to the tentative schedule above. The anticipated time limit for the examination and cross-examination of the Applicant and of V01 is two hours each. For the other witnesses it is one hour each.

Agreed hearing bundle

14. Prior to the hearing, the parties shall produce an agreed bundle of documents/evidence on which they intend to rely at the upcoming hearing on the merits. The documents in the bundle should be listed in chronological order and indexed, and the bundle should be properly paginated. Such bundle shall be restricted to the issues determined to be discussed at the hearing, and used to examine and cross-examine the witnesses.

Conclusion

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

- a. An oral hearing will be virtually held on **10 and 11 October 2024** via Microsoft Teams, and shall be closed to the public;
- b. The parties are notified of the tentative schedule of appearances at the hearing as per para. 11 above;
- c. The parties are instructed to provide their contact details, including the witnesses' (email and phone number), no later than **Friday, 27 September 2024**; and
- d. The parties shall file a joint submission with an agreed hearing bundle of documents attached to it by **Friday, 4 October 2024**.

(Signed)

Judge Sun Xiangzhuang

Dated this 20th day of September 2024

Entered in the Register on this 20th day of September 2024

(Signed)

René M. Vargas M., Registrar, Geneva