



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

TESIO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

Jerome Blanchard, UNOG

Introduction

1. At the time of the application, the Applicant served on a fixed-term appointment as an Asset Management Officer at the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Nairobi, Kenya.

Procedural History

2. On 15 October 2023, the Applicant filed an application with the United Nations Dispute Tribunal (“UNDT”) sitting in Nairobi to challenge the actions of the Respondent in respect of a disciplinary process that found her to be a victim of sexual harassment. The outcome of the process was communicated to the Applicant in a letter dated 18 April 2023. The Applicant submits that

[t]he letter does not provide any remedy to her as a victim of established harassment, notwithstanding the well documented damages to her health, it does not specify the measure imposed on the offender, and therefore it does not reassure her and other victims that they will not come across their harasser in their career within the UN system.

3. The Respondent filed his reply to the application on 16 November 2023.
4. The Tribunal held a case management discussion (CMD) with the parties on 30 September 2024.

The Discussion

5. The parties agreed that there was no need for an oral hearing in this matter.
6. The Applicant asked if the Tribunal would be amenable to admitting briefs by interested staff unions/associations. The Tribunal advised counsel that the admissibility of these briefs will be determined once they have been filed and considered.
7. The Tribunal raised the issue of anonymity of the Applicant. Counsel indicated that she would seek instruction on whether her client wishes to be anonymised for purposes of these proceedings.

8. Counsel made the point that the Applicant remains open to this matter being resolved informally, should the Respondent wish to consider it as an option. Counsel for the Respondent undertook to seek instruction on this.

9. The Tribunal encouraged the parties to pursue informal resolution, but noted that their discussions will not alter the schedule that is now set for the management of this case.

10. The Tribunal made the point that most recent Secretary-General's Bulletin relevant to issues of sexual harassment is ST/SGB/2019/8. All pleadings before the court at the moment make reference to the preceding issuance that is ST/SGB/2008/5. The Tribunal requested input from the parties as to which bulletin is applicable to this case.

ORDERS

11. Having heard the parties on the issues raised above, the Tribunal made the following ORDERS for the management of this case:

- a. Counsel for the Applicant will file her motion for anonymity if so instructed by her client by **15 October 2024**;
- b. The parties will file their submissions on which Secretary-General's Bulletin is applicable to this case by **15 October 2024**;
- c. Any motion to file an *amicus curiae* brief (along with the proposed brief itself) must be filed by **30 October 2024**;
- d. The parties will file their closing submissions, limited to 5 pages each, by **15 November 2024**.

Case No. UNDT/NBI/2023/077

Order No. 134 (NBI/2024)

(Signed)

Judge Sean Wallace

Dated this 1st day of October 2024

Entered in the Register on this 1st day of October 2024

(Signed)

Wanda L. Carter, Registrar, Nairobi