



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

EL-SIBAI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR/UN Secretariat

Tamar Gongadze, AS/ALD/OHR/UN Secretariat

Introduction

1. By application filed on 17 January 2025, the Applicant, a Programme Management Officer working with the United Nations Economic and Social Commission for Western Asia (“ESCWA”) filed an application contesting the decision to close her complaint of harassment and abuse of authority without investigation.

2. The Respondent submitted a reply on 20 February 2025, in which it argues that the application has no merit.

Consideration

Disclosure of documents

3. In the middle of para. 25 of the application, the Applicant requests “disclosure of the memo[redacted] by which the ASG/OHR purportedly provided advice to the Chef de Cabinet and the memo[redacted] by which the Secretary-General’s decision was communicated to the ASG/OHR.” The Applicant contends that if the decision was taken by the Secretary-General, as claimed by the Respondent, these documents should exist and are in the possession of the Respondent.

4. The Respondent opposes the Applicant’s disclosure of the documents on the ground that there is nothing in ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process) or any other administrative issuances which entitles the Applicant to the correspondence she seeks.

5. The Tribunal notes that the contested decision was originally conveyed to the Applicant by a memorandum from the ASG/OHR dated 24 May 2024, which did not identify who made the decision, and that by memorandum dated 6 August 2024, the ASG/OHR issued a corrigendum to the contested decision specifically stating for the first time that the decision was made by the Secretary-General.

6. The Tribunal finds that the Applicant’s request is appropriate to the extent that it addresses whether the decision was taken by the Secretary-General as required. Whether or not ST/AI/2017/1 or any other administrative issuance entitles

the Applicant to information as an administrative matter is irrelevant at this point. Article 9.1 of the United Nations Dispute Tribunal and Article 18.2 of the Dispute Tribunal Rules of Procedure (both of which were adopted by the General Assembly) authorize the Tribunal to order production of documents or evidence as it deems necessary.

7. Given that one of the issues in this case is whether the contested decision was made by the responsible authority, i.e., the Secretary-General, and the parties disagree on that factual matter, it is necessary to have documentation regarding that fact disclosed. Further, the Tribunal notes that the Respondent raises no other basis for opposing disclosure and does not allege that he will be prejudiced by such a disclosure.

Conclusion

8. In view of the foregoing, it is ORDERED THAT by **Monday, 1 September 2025**, the Respondent shall file a copy of the memorandum or other relevant correspondences by which by which the Secretary-General's decision was communicated to the ASG/OHR.

(Signed)

Judge Sean Wallace

Dated this 20th day of August 2025

Entered in the Register on this 20th day of August 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi