



Before: Judge Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

KIRIELLA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Elizabeth Gall, UNDP

Introduction

1. On 16 November 2020, the Applicant, a Field Security Associate, GS-5 level, at the United Nations Department of Safety and Security (“UNDSS”), Sri Lanka, filed an application contesting the disciplinary measure of demotion from GS-6 to the GS-5 level with deferment of eligibility for promotion for two years.
2. On 18 December 2020, the Respondent filed a reply arguing that the Applicant’s complaints of harassment against his supervisor, the Security Adviser (“SA”), UNDSS, and his claims regarding the lawfulness of his placement on Administrative Leave With Pay (“ALWP”) are not receivable *ratione materiae* and that the facts relating to the two incidents of misconduct that resulted in the disciplinary measure were established by the evidence contained in both investigation reports issued by the Office of Audit and Investigations (“OAI”) on 9 August 2018 and 19 December 2019.
3. On 10 January 2022, the present case was assigned to the undersigned Judge.
4. By Order No. 6 (GVA/2022) of 19 January 2022, the Tribunal asked the parties to submit comments on the necessity of an oral hearing, further identifying the material issues of facts that need to be determined.
5. On 26 January 2022, the Respondent responded to the Order above, stating that he considered that an oral hearing is not required in this case.
6. On 28 January 2022, the Applicant formally requested an oral hearing without justifying its need.

Consideration

7. As stated above, the Tribunal asked the parties to identify the material issues of fact that may require a fact-finding oral hearing. While the Respondent stated that a hearing is not necessary in this case, the Applicant formally requested one. However, the Applicant did not identify any material issues of fact and did not provide any reasons or justification in support of this request.

8. As set out in Order No. 6 (GVA/2022), the discretion to hold an oral hearing vests in the Judge (see *He* 2016 UNAT 686 and *Nadeau* 2017 UNAT 733). Having examined the parties' submissions to date and the evidence on record, the Tribunal has not identified any material issues of fact requiring a fact-finding oral hearing. Accordingly, the Tribunal finds that this case can be determined on the papers.

Conclusion

9. In view of the foregoing, the parties are hereby instructed that:
- a. They can make final submissions on the merits, if any, by **Monday, 7 February 2022**; and
 - b. The Tribunal is ready to adjudicate this case and after the deadline above will be moving forward with its judgment.

(Signed)

Judge Alexander W. Hunter, Jr.
Dated this 31st day of January 2022

Entered in the Register on this 31st day of January 2022

(Signed)

René M. Vargas M., Registrar, Geneva