Case No.: UNDT/NBI/2023/077

Order No.: 84 (NBI/2024)
Date: 8 July 2024

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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. He challenges the receivability of parts of the application and, on the merits, moves the Tribunal to dismiss the application in its entirety.
- 4. The Applicant filed a motion for leave to respond to the reply on

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shall be competent to permit or deny leave to an application to file a friend-of-the-court brief by a staff association".

The Applicant therefore respectfully requests the Tribunal to permit leave for one or more staff associations to file a friend-of-the-court brief.

Consideration

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11. Leave must therefore be sought by the prospective "friend" rather than the applicant whose case it is. Those seeking leave to appear as *amicus* must seek leave

to do so individually. The Tribunal will not grant an open-ended motion "for one

or more staff associations to file a friend-of-the-court brief".

12. Moreover, at this stage it is mere speculation as to which, if any, staff

association will wish to file an amicus brief, when such brief(s) would be filed, and

how the brief(s) would assist the Tribunal in its deliberations.

Conclusion

13. In view of the foregoing, it is ORDERED THAT the Applicant's motion in

respect of the filing of a friend-of-the-court brief(s) is DENIED, without prejudice

to consider a proper motion filed by a staff association in accordance with the

UNDT Statute and its Rules of Procedure.

(Signed)

Judge Sean Wallace

Dated this 8th day of July 2024

Entered in the Register on this 8th day of July 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi