



Judge Margaret Tibulya

New York

Isaac Endeley

HUNT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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George G. Irving

Steven Dietrich, DAS/ALD/OHR UN Secretariat  
Miryoung An, DAS/ALD/OHR, UN Secretariat

1. By Order No. 068 (NY/2024) dated 19 June 2024, the Tribunal ordered the parties and a representative of the Office of Internal Oversight Services (“OIOS”) to attend a Case Management Discussion (“CMD”) to discuss the Applicant’s request for disclosure of certain documentation pertaining to OIOS.

*The Respondent’s disclosure of certain documentation requested by the Applicant*

2. At the CMD, Counsel for the Applicant submitted that the requested documentation was relevant to his client’s case as it demonstrated that the Applicant’s communication regarding the Complainant was in furtherance of his own complaint against the former Representative of the Secretary-General. The Respondent and the representative of OIOS reiterated that the documentation in issue was entirely unrelated to the Applicant’s case and therefore not relevant. The OIOS representative further explained that the Under-Secretary-General of OIOS had made the decision not to disclose the documentation in accordance with the mandate of OIOS and that, at previous occasions, the Applicant had intended to get hold of the relevant reports. The OIOS representative underscored that the relevant materials were not public but internal documents and that she was not in a position to disclose with whom the relevant reports had been shared. Counsel for the Respondent underlined that OIOS was the custodian of the relevant documentation.

3. The Tribunal concluded that the non-disclosure decision was, in essence, solely based on the argument that the documentation in issue was not relevant to the adjudication of the present case. The issue of relevancy of documentation is, however, a matter for the tribunal to determine and not the Respondent, including OIOS.

4. In terms of preserving the confidentiality of the requested documentation, Counsel for the Applicant proposed that it could either be disclosed *ex parte*, for Counsel's eyes only, or in a redacted form. The Respondent made no submissions in this regard. The Tribunal stressed that should the Respondent fail to comply with its order on disclosure, this could result, as appropriate, in adverse findings against him when deciding the present case.

5. Accordingly, considering the limited time before the holding of the hearing beginning on 24 June 2024, the Tribunal will order (a) the Respondent to disclose the relevant documentation, as appropriate, in a redacted form, and (b) neither Counsel to share the disclosed documentation with any other person, including the Applicant.

*Closing the hearing to the public*

6. Counsel for the Applicant requested that the hearing be closed to the public, not to allow the Complainant, whose testimony has been postponed until 8 July 2024, to overhear any of the previous testimonies. The Tribunal granted the request.

7. In light of the above,

IT IS ORDERED THAT:

8. By \_\_\_\_\_, the Respondent is to file the documentation requested by the Applicant in his submissions dated 14 December 2023 and 11 April 2024. The Respondent may redact the documentation as appropriate without entirely depriving it of its meaning. The documentation is only to be seen by the assigned Counsel of the parties and no one else, and any breach of confidentiality of the submitted documentation may result in a report to the Secretary-General for possible action to enforce accountability under art. 10.8 of the Statute of the Dispute Tribunal.

