



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NY/2018/087  
Order No.: 185(NY/2020)  
Date: 17 November 2020  
Original: English

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Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

KENNEDY

v.

SECRETARY GENERAL  
OF THE UNITED NATIONS

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ORDER

ON CASE MANAGEMENT

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Counsel for Applicant:  
George G. Irving

Counsel for Respondent:  
Lucienne Pierre, ALD/OHR, UN Secretariat  
Isavela Vasibgeorgj ALD/OHR, UN Secretariat

## Introduction

1. By Order No. 184(NY/2020) dated 12 November 2020, the Tribunal ordered as relevant to the present Order the parties to attend a hearing on 20 November 2020. At this hearing, Mr. KR is to give his testimony on the limited issue of the nature of the documents that the Applicant misplaced and on which the impugned disciplinary sanction was based, following which the parties will be provided with 30 minutes at maximum to present their arguments in this case in person.
2. On 13 November 2020, the Respondent filed a "Motion for an *In Camera* Hearing" in which, with reference to art. 16 of the Dispute Tribunal's Rules of Procedure, he requested that the hearing be closed to the public. In support thereof, the Respondent submits *inter alia*, that "the evidence presented at the hearing may wander to safety and security related issues ancillary or entirely beyond the scope of the present case, and which are not appropriate for presentation in the public domain. Mr. KR has 'access to a great deal of confidential and sensitive information' that it is highly likely confidential information might be exposed which could place the safety and security of [United Nations] personnel at risk"
3. On 16 November 2020, the Applicant filed a response in which he submitted that the Applicant has "no objection to having his witness testify *in camera*"

## Consideration

4. In light of the parties' submissions, the Tribunal will grant the Respondent's motion, noting that, since the parties will likely make reference to Mr. KR's testimony in their oral presentations of their case, the entire hearing will be closed to the public.

