
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/003
Order

Introduction

1. By Order No. 097 (NY/2022) dated 26 October 2022, the Tribunal granted the _____, *inter alia*, ordered the Respondent to produce all relevant documentation in his possession by 2 November 2022.

2. On 2 November 2022, the Respondent filed his submission as per Order No. 097 (NY/2022) and submitted certain documents.

3.

November 2022 submission in which she raises certain objections thereto.

4. On 9 November 2022, the Respondent filed pursuant to Order No. 097 (NY/2022) and appended a number of documents. He further requested two weeks to file some additional documents.

Consideration

2 November 2022 disclosures in response to Order No. 097 (NY/2022)

5. _____ submission, he argues why certain limitations apply to disclosing documents originating from the Office of Internal Oversight Services _____. The Applicant is challenging these submissions in her 9 November 2022 comments.

6. The Tribunal recalls that in Order No. 097 (NY/2022), it ordered *the Respondent* to produce all relevant documentation in his possession in response to _____ (emphasis added). In this regard, the Tribunal notes that the Respondent before the Dispute Tribunal is the Secretary-General of the United Nations. Under art. 97 of the United Nations Charter, the Secretary-General is the chief administrative officer of _____, and in accordance with General

Assembly resolution 48/218 of 29 July 1994 (Review of the efficiency of the administrative and financial functioning of the United Nations), OIOS is part thereof. Order No. 097 (NY/2022) therefore also referred to all relevant documentation in possession.

7. At the same time, the Tribunal is also mindful of para. 18 of ST/SGB/273 (establishment of OIOS) and the statutory limitations presented therein for disclosure of documents of OIOS. The Tribunal, additionally, recalls that in para. 20 of Order No. 097 (NY/2022), the Tribunal instructed the Respondent to submit the unredacted reports to OIOS *ex parte* after which it [would] determine whether they are to be shared

parties are to present their final submissions on witnesses with a view to scheduling a hearing in January or February 2023.

10. _____, his Counsel requests an additional

15. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.

(Signed)

Judge Joelle Adda

Dated this 11th day of November 2022