



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/004

Order No.: 20 (GVA/2025)

Date: 14 March 2025

Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

NKOYOCK FILS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Sètondji Roland Adjovi, Etudes Vihodé
Anthony Kreil Wilson, Etudes Vihodé

Counsel for Respondent:

Jérôme Blanchard, HRLU/UNOG

Introduction

1. By application filed on 15 February 2024, the Applicant contests the decision refusing to reconsider and modify the 13 February 2023 disciplinary sanction imposed on him in light of Judgment *Nkoyock (Fils)* 2023-UNAT-1401, which overturned Judgment *Nkoyock* UNDT/2022/115.
2. By the same application, the Applicant requests an oral hearing and indicates that he wishes to call three witnesses.
3. On 18 March 2024, the Respondent filed his reply. In it, he challenges *inter alia* the receivability of the application. The Respondent also opposes the Applicant's motion for an oral hearing on the ground that, in this case, there are no disputed facts and that the matter, including the receivability of the application, can be determined based on the record submitted to the Tribunal.
4. On 9 June 2024, the Applicant filed a rejoinder, in which, among other things, he disagrees with the Respondent on the issue that there are no disputed facts and thus reiterates his request for an oral hearing.

Consideration

Applicant's motion for oral hearing.

5. In *Bertucci* 2010-UNAT-062, paras. 22 and 23, the United Nations Appeals Tribunal ("UNAT") held that:

under the new system of administration of justice, the Dispute Tribunal ("UNDT") has broad discretion with respect to case management... As the court of first instance, the UNDT is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and do justice to the parties.

6. Further, in *Wu* 2015-UNAT-597, para. 34, UNAT emphasized that:

Firstly, Article 9(2) of the UNDT Statute and Article 17(6) of the UNDT Rules of Procedure (UNDT Rules) grant the UNDT the discretion to "decide whether the personal appearance of a witness or expert is required at oral proceedings".

7. The Tribunal notes that the main reason the Applicant seeks to call the witnesses is to establish whether the official who made the contested decision had the authority to do so. Considering that the Applicant's motion falls squarely within the case management authority of this Tribunal regarding evidence, procedure and trial conduct, and noting that the issue of whether the official who made the decision can be established through the records, the motion is denied.

Closing submissions

8. Having reviewed the evidence on record and the parties' submissions to date, the Tribunal considers itself sufficiently informed to render its judgment without the need for additional disclosure of evidence or the holding of a hearing on the merits. Therefore, the case can proceed to the filing of closing submissions.

Conclusion

9. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion for an oral hearing is rejected.
- b. By **Thursday, 27 March 2025**, the parties shall file their respective closing submissions; and
- c. The submissions shall not exceed **five pages**, using font Times New Roman, font size 12 pts and 1.5 line spacing.

(Signed)

Judge Sun Xiangzhuang

Dated this 14th day of March 2025

Entered in the Register on this 14th day of March 2025

(Signed)

Liliana López Bello, Registrar, Geneva