



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2023/039  
Order No.: 21 (GVA/2025)  
Date: 14 March 2025  
Original: English

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**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** Liliana López Bello

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Sètondji Roland Adjovi  
Anthony K. Wilson

**Counsel for Respondent:**

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

## **Introduction**

1. The Applicant, a staff member serving at the United Nations Assistance Mission in Afghanistan (“UNAMA”), contests the decision dated 8 May 2023 to impose on him the disciplinary measure of demotion by one grade with deferment for three years of consideration for eligibility for promotion, pursuant to staff rule 10.2(a)(vii), and the decision requiring him to commence gender sensitivity/awareness training (the “contested decision”).

2. By Order No. 54 (GVA/2024), the Tribunal, *inter alia*, granted the Applicant’s motion for anonymity, scheduled a hearing on the merits to be virtually held via Microsoft Teams on 10 and 11 June 2024, and invited V01, W01, and W02 to attend. By this same Order, the Tribunal also decided that V01’s testimony will be held *in camera*; that V01 will not be named during the proceedings and Judgment; and that the Applicant will not be virtually present during V01’s testimony.

3. On 20 May 2024, the Applicant filed a motion asking the Tribunal to reconsider para. 27(c) of Order No. 54 (GVA/2024), thus allowing the Applicant to be virtually present during V01’s testimony.

4. By Order No. 56 (GVA/2024) of 22 May 2024, the Tribunal rejected the Applicant’s motion for reconsideration of para. 27(c) of Order No. 54 (GVA/2024).

5. On 27 May 2024, the Applicant filed a motion to suspend proceedings pending the outcome of an appeal before the United Nations Appeals Tribunal in respect of para. 27(c) of Order No. 54 (GVA/2024) and Order No. 56 (GVA/2024). His motion was granted by Order No. 62 (GVA/2024).

6. On 5 December 2024, the United Nations Appeals Tribunal issued ABA 2024-UNAT-1495/Corr.1, deciding that the interlocutory appeal was not receivable.

7. On 21 February 2025, the Tribunal requested the parties to confirm their availability and that of their proposed witnesses to virtually attend a hearing on the merits via Microsoft Teams between 8 and 17 April 2025.

8. In response to the Tribunal's request, the Applicant confirmed his availability to attend a hearing between 14 and 18 April 2025. For the same period, the Respondent also confirmed the availability of Counsel, V01, and W01.

9. By email dated 12 March 2025, the Respondent informed the Tribunal that he had not yet been able to reach W02.

### **Consideration**

#### *Hearing on the merits*

10. As decided in Order No. 54 (GVA/2024), the Tribunal assessed the relevance of the testimonies proposed by the parties and decided that the following witnesses were necessary and relevant to the instant case:

- a. The Applicant;
- b. V01;
- c. W01; and
- d. W02.

11. The parties are informed that the accommodations requested by the Respondent to protect the anonymity and well-being of V01, which were granted by Order No. 54 (GVA/2024) and unsuccessfully appealed by the Applicant, are maintained.

#### *Tentative schedule*

12. Based on the information above, the tentative schedule of the hearing, which may be subject to change, is as follows:

**Monday, 14 April 2025 (all times are Geneva time)**

|        |  |
|--------|--|
| 2 p.m. | Parties' opening statements  |
| 3 p.m. | V01. Examination-in-Chief by the Respondent, and cross-examination by the Applicant. |
| 5 p.m. | W01. Examination-in-Chief by the Respondent, and cross-examination by the Applicant. |

**Tuesday, 15 April 2025**

|        |  |
|--------|--|
| 2 p.m. | The Applicant. Examination-in-Chief by the Applicant's Counsel, and cross-examination by the Respondent. |
| 4 p.m. | W02. Examination-in-Chief by the Respondent, and cross-examination by the Applicant.                     |
| 5 p.m. | Closing submissions.   |

13. The Respondent is instructed to keep trying to reach W02, and to promptly inform the Tribunal in case of any development.

*Agreed hearing bundle*

14. Pursuant to Order No. 39 (GVA/2024), the parties shall produce an agreed bundle of documents/evidence on which they intend to rely at the upcoming hearing on the merits. The documents in the bundle should be listed in chronological order and indexed, and the bundle should be properly paginated. Such bundle shall be restricted to the issues proposed to be discussed at the hearing, and used to examine and cross-examine the witnesses.

**Conclusion**

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

- a. An oral hearing will be virtually held on **Monday, 14 and Tuesday, 15 April 2025** via Microsoft Teams;
- b. V01's testimony will be held *in camera* and without the Applicant's virtual presence;

- c. The parties are notified of the tentative schedule of appearances at the hearing as per para. 12 above;
- d. The Respondent is instructed to keep trying to confirm the attendance of W02, and promptly inform the Tribunal of any new development;
- e. The parties are instructed to provide their contact details, including the witnesses' (email and phone number), no later than **Friday, 4 April 2025**; and
- f. The parties shall file a joint submission with an agreed hearing bundle of documents attached to it by **Wednesday, 9 April 2025**.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 14<sup>th</sup> day of March 2025

Entered in the Register on this 14<sup>th</sup> day of March 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva