



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/005

Order No.: 64 (GVA/2025)

Date: 11 June 2025

Original: English

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**Before:** Judge Margaret Tibulya

**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, Etudes Vihodé Ltée  
Anthony Kreil Wilson, Etudes Vihodé Ltée

**Counsel for Respondent:**

Alister Cumming, UNICEF

## **Introduction**

1. By Order No. 43 (GVA/2025), issued on 30 April 2025, the Applicant was directed to file a list of the witnesses he intends to call and explain what each will testify about.
2. On 12 May 2025, the Applicant complied with Order No. 43 (GVA/2025) and filed the list of witnesses. In his submissions, the Applicant also requested the Tribunal to direct the Respondent not to share any of his submissions with witnesses before their testimony.
3. On 16 May 2025, the Respondent filed submissions on the Applicant's proposed witnesses. Regarding the Applicant's request not to share his submissions with the witnesses, the Respondent undertook not to share the Applicant's submission of 12 May 2025, insofar as it relates to the proposed evidence of the identified witnesses, with any of those witnesses or V01.

## **Consideration**

### *Witnesses*

4. The Tribunal notes that the Applicant proposed to call seven witnesses, who include:
  - i. The Applicant;
  - ii. V01;
  - iii. Mr. Juan Pablo Fuentealba Alvarez;
  - iv. Ms. Mary Louise Eagleton;
  - v. Ms. Fatma Naib;
  - vi. Ms. Mandeep O'Brien; and
  - vii. Ms. Alice Kozanian.

*Analysis of the proposed witnesses' testimony.*

5. The Tribunal notes that:

- a. The testimonies of the Applicant and V01 are pertinent and relevant to the contested decision.
- b. Mr. Juan P.F. Alvarez, the Applicant's partner, is being called to testify largely on how he and the Applicant lived together happily, and that the Applicant could not have committed the misconduct in issue. He is also being proposed to explain how the contested decision affected their lives and to testify about V01's credibility. The Tribunal determines that Mr. Alvarez's testimony is not relevant and will not assist it in adjudicating the matter.
- c. Ms. Mary L. Eagleton is said to be aware of V01's past unacceptable behaviour. She is being proposed to testify about V01's credibility. Therefore, her testimony is fairly relevant.
- d. Ms. Fatma Naib's testimony was no longer required by the Applicant.
- e. Ms. Mandeep O'Brien's testimony is relevant since V01 reported the complaint to her, and Ms. Mandeep referred to it during her testimony with the investigators.
- f. Ms. Alice Kozanian's testimony is irrelevant as it is unrelated to the contested decision.

6. Having reviewed the summary of the intended testimonies of the proposed witnesses, the Tribunal determines that only four of the proposed witnesses will assist it in determining all the issues in the case. Therefore, only the following witnesses will testify:

- a. The Applicant;
- b. V01;
- c. Ms. Mary Louise Eagleton and

d. Ms. Mandeep O'Brien.

*Applicant's request not to share his submissions with the witnesses*

7. The Tribunal notes that the Respondent's Counsel has already committed not to share the Applicant's submission of 12 May 2025, insofar as it relates to the proposed evidence of the identified witnesses, with any of those witnesses or V01.

8. The Tribunal hereby emphasizes the point and directs the Respondent to ensure that the Applicant's submissions are not shared with the witnesses listed in para. 6 above before their testimony.

### **Conclusion**

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

- a. The witnesses indicated in para. 6 above are hereby summoned to give testimony; and
- b. The Respondent shall proceed as indicated in para. 8 above.

*(Signed)*

Judge Margaret Tibulya

Dated this 11<sup>th</sup> day of June 2025

Entered in the Register on this 11<sup>th</sup> day of June 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva