



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/GVA/2024/005
Order No.:	75 (GVA/2025)
Date:	1 July 2025
Original:	English

**Before:** Judge Margaret Tibulya

**Registry:** Geneva

**Registrar:** Isaac Endeley, Officer-in-Charge

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, *Études Vihodé Ltée*  
Anthony Kreil Wilson, *Études Vihodé Ltée*

**Counsel for Respondent:**

Alister Cumming, UNICEF

## **Introduction**

1. By Order No. 66 (GVA/2025), the Tribunal fixed the dates for the hearing on the merits of this case. By the same order, the Tribunal also shared with the parties the tentative schedule for the hearing.
2. On 23 June 2025, witness V01 testified before the Tribunal in accordance with the hearing schedule.
3. On 30 June 2025, the Applicant filed a motion to recall witness V01 for further cross-examination.
4. The Respondent filed a response to the Applicant's motion on 1 July 2025 and requests the Tribunal to reject the motion.

## **Considerations**

5. In *Wu* 2015-UNAT-597, para. 34, the United Nations Appeals Tribunal ("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". Article 18(5) of the UNDT Rules also provides: "The Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value. The Dispute Tribunal may also limit oral testimony as it deems appropriate." Further, Article 19 of the UNDT Rules grants the UNDT broad discretion in relation to case management; pursuant to Article 19, the UNDT may issue any order or give any direction which appears to the judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

6. The Tribunal notes that the reason the Applicant seeks to recall witness V01 is for the Applicant to show him copies of the posters which informed the staff members about the requirement and procedures for reporting misconduct, to challenge his credibility regarding the posters and ask him probing questions about why he decided to violate the instructions contained in the UNICEF Policy (On Prohibition of discrimination, harassment, sexual harassment and abuse of authority) and lie about the poster.

7. In the Tribunal's view, however, if the Applicant thinks that V01 did not follow the procedures or lied about the posters, this is a matter that should be canvassed in closing submissions. The reasons given do not warrant a recall of V01.

8. In light of the above and considering that the Applicant's motion falls squarely within the case management authority of this Tribunal regarding evidence, procedure and trial conduct, and based on the stage at which this case is, the motion is denied.

### **Conclusion**

9. The Applicant's motion to recall witness V01 is rejected.

*(Signed)*

Judge Margaret Tibulya

Dated this 1<sup>st</sup> day of July 2025

Entered in the Register on this 1<sup>st</sup> day of July 2025

*(Signed)*

Isaac Endeley, for Liliana López Bello, Registrar, Geneva