



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2023/008

Order No.: 115 (GVA/2025)

Date: 17 October 2025

Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

DE JAEGERE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Jacob B. van de Velden, DAS/ALD/OHR, UN Secretariat

Maria Romanova, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former Crime Prevention and Criminal Justice Officer at the United Nations Office on Drugs and Crime (“UNODC”), contests the decision of 30 November 2022 to separate him from service, with compensation in lieu of notice and without separation indemnity.
2. By Order No. 103 (GVA/2025), the Tribunal, *inter alia*, instructed the parties to confirm their availability, as well as that of their proposed witnesses, to attend a virtual hearing on the merits between 3 and 7 November 2025. The Tribunal decided not to publish this Order for confidentiality purposes.
3. On 11 September 2025, the Applicant filed “a motion for change of Counsel” and a motion for an extension of time to comply with Order No. 103 (GVA/2025).
4. On 12 September 2025, the Respondent filed a submission in compliance with Order No. 103 (GVA/2025), and requested that the Tribunal reconsider its decision not to publish said Order.
5. By Order No. 108 (GVA/2025), the Tribunal rejected the Respondent’s request for reconsideration of the publication of Order No. 103 (GVA/2025) and granted the Applicant’s request for an extension of time to comply with the same.
6. On 30 September 2025, the Applicant filed a submission in compliance with Order No. 103 (GVA/2025), and on 8 October 2025, the Respondent filed a submission in response to the Applicant’s last filing.

Consideration

Anonymity

7. In his latest submission, the Applicant reiterated his request for anonymity with respect to any final orders or judgments and requested, in particular, to have a closed hearing. He is concerned over the publication of details of the case, including his medical condition, and requests that both his and V01’s names be anonymized.

8. This Tribunal has already adjudicated the issue of anonymity in Order No. 30 (GVA/2024). Other than being represented by new Counsel, the Applicant has not presented any new arguments or evidence that would warrant reconsideration of the Tribunal's prior ruling.

9. Accordingly, the Tribunal emphasizes that it will not revisit matters that have already been decided (*res judicata*), unless exceptional circumstances or previously unknown facts are brought to light that were not available to the Tribunal at the time of its original decision.

10. In this regard, the Tribunal further highlights that the Applicant's medical condition does not amount to an exceptional circumstance or a previously unknown fact that would justify reconsideration of anonymity. These issues are not pertinent to the present judicial review, which is confined to assessing the lawfulness, reasonableness, and proportionality of the contested decision.

11. Notwithstanding, the Tribunal highlights that due to the nature of the facts that are to be disclosed at the hearing by the testimony of several witnesses, and to protect the privacy and well-being of witnesses, the virtual hearing will be held in camera.

Hearing on the merits

12. The Respondent proposed ten witnesses for the hearing: the Applicant, V01, W03, W01, W04, W05, W06, W07, Mr. [OI], and W08.

13. On the other hand, the Applicant proposed the following witnesses: himself, V01, W01, W02, and W03. With respect to W02, the Applicant proposed to expedite the proceedings and submit his sworn witness statement *in lieu* of live testimony.

14. Having reviewed the parties' submissions and the evidence on record, the Tribunal considers it appropriate to invite the following witnesses to attend a virtual hearing on the merits between 3 and 7 November 2025.

a. The Applicant;

- b. V01;
- c. W01;
- d. W02;
- e. W03;
- f. W04;
- g. W05;
- h. W06;
- i. W07;
- j. W08; and
- k. W09, OIOS investigator.

15. The Tribunal reviewed the evidence on record and considers that the testimony of Mr. [OI] is not relevant for the assessment of the facts under dispute.

16. Given the nature and objective of having a hearing on the merits, the Tribunal does not consider it appropriate or effective, to have one witness provide a sworn written statement when every other one is being invited for examination. The Applicant's request in respect of W02 is, therefore, rejected.

Tentative schedule

17. Based on the information provided by the parties, the tentative schedule of the hearing, which may be subject to change, is as follows:

Monday, 3 November 2025 (all times are Geneva time)

2 p.m.	Parties' opening statements.
2:40 p.m.	The Applicant's examination-in-Chief by his Counsel, followed by cross-examination by Counsel for the Respondent.

Tuesday, 4 November 2025

2 p.m.	V01. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant
5 p.m.	W02. Examination-in-Chief by Counsel for the Applicant, followed by cross-examination by Counsel for the Respondent.

Wednesday, 5 November 2025

2 p.m.	W01. Examination-in-Chief by Counsel for the Applicant, followed by cross-examination by Counsel for the Respondent.
4 p.m.	W03. Examination-in-Chief by Counsel for the Applicant, followed by cross-examination by Counsel for the Respondent.

Thursday, 6 November 2025

2 p.m.	W04. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant
3:30 p.m.	W05. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant.
5:00 p.m.	W06. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant.

Friday, 7 November 2025

2 p.m.	W07. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant.
4 p.m.	W08. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant.
5 p.m.	W09. OIOS investigator. Examination-in-Chief by Counsel for the Respondent, followed by cross-examination by Counsel for the Applicant.

18. According to the tentative schedule outlined above, Counsel for the Applicant and Counsel for the Respondent shall be granted equal time to conduct their respective examinations of the witnesses, in accordance with each allocated time.

19. Further to the discussions held during the Case Management Discussion (“CMD”) on 9 April 2024, the Tribunal confirms that V01’s testimony will be conducted *in camera*, without the Applicant’s virtual presence. The Applicant will thus not attend her testimony and cross-examination, which will be carried out exclusively by Counsel.

Motion for production OIOS’ interview transcripts

20. The Applicant notes that he was only provided summaries of the witnesses’ interviews, and requests that the Respondent be ordered to provide full transcripts of the testimonies provided to OIOS to facilitate examination at the hearing.

21. On the other hand, the Respondent submits that the request should be rejected because sec. 6.7 of ST/AI/2017/1 on “Unsatisfactory conduct, investigations and the disciplinary process” only requires preparing synopses of the witnesses’ interviews.

22. The Tribunal firmly disagrees with the Respondent. Section 6.7 of ST/AI/2017/1 provides that (emphasis added):

6.7 The investigator(s) may digitally record an interview. Interviewees are not permitted to record their interviews. **If an investigation report is to be transmitted to the Assistant Secretary-General for Human Resources Management for possible disciplinary action, a written record, such as transcripts of the interviews of the subject(s) of the investigation and key witnesses and synopses of the interviews of the other interviewees, shall be prepared of digitally recorded interviews and transmitted with the investigation report.**

23. As the provision indicates, the Administration shall prepare *transcripts of the interviews of the subject(s) of the investigation and key witnesses*. It has the limited obligation to provide synopses only in reference to other interviewees (i.e., not the subjects and key witnesses).

24. Given that the Respondent has not distinguished between key and non-key witnesses in this case, and considering the imminent hearing on the merits, the Tribunal finds it appropriate to grant the Applicant's motion and orders the Respondent to produce the transcripts of all the aforementioned witnesses' testimonies to OIOS.

Agreed hearing bundle

25. As has been the practice in previous hearings involving disputed facts, the Tribunal finds it appropriate to direct the parties to jointly produce an agreed bundle of documents/evidence on which they intend to rely at the upcoming hearing on the merits, in chronological order, indexed and paginated. Such a bundle will be restricted to the issues proposed to be discussed at the hearing and used to examine and cross-examine the witnesses.

Conclusion

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

- a. The Applicant's request for reconsideration of the anonymity decision is denied;
- b. The Applicant's request to have one witness provide a sworn written statement *in lieu* of testifying at the hearing is rejected;
- c. The Applicant's request for production of the transcripts of the witnesses' testimonies to OIOS is granted. The Respondent shall produce said transcripts by **Friday, 24 October 2025**;
- d. An oral hearing *in camera* will be virtually held between **Monday, 3, and Friday, 7 November 2025** via Microsoft Teams;
- e. The parties are notified of the tentative schedule of appearances at the hearing as per para. 1717 above;

f. V01's testimony will be conducted *in camera*, without the Applicant's virtual presence. Her examination and cross-examination will be carried out exclusively by Counsel;

g. The parties are instructed to provide their contact details, including the witnesses' (email and phone number), no later than **Friday, 24 October 2025**; and

h. The parties shall file a joint submission with an agreed hearing bundle of documents attached to it by **Friday, 31 October 2025**.

(Signed)

Judge Sun Xiangzhuang

Dated this 17th day of October 2025

Entered in the Register on this 17th day of October 2025

(Signed)

Liliana López Bello, Registrar, Geneva