



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/NBI/2024/075
Order No.:	41 (NBI/2025)
Date:	3 April 2025
Original:	English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

LALANDE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Héloïse Bajer-Pellet

**Counsel for the Respondent:**

Albert Angeles, DAS/ALD/OHR, UN Secretariat

Seungyoun Seo, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant served the United Nations Human Settlements Programme (“UN-Habitat”) on a fixed-term appointment.
2. He was separated from service of the Organization with compensation *in lieu of* notice and without termination indemnity on 10 September 2024, for harassment *per* sections 1.3 and 1.4 of ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority) which tantamount to serious misconduct in violation of staff regulations 1.2(a), 1.2(f) and staff rule 1.2(f).
3. On 2 April 2025, the Tribunal held a case management discussion (“CMD”) with the parties.

## **Consideration**

4. The parties were asked to state their respective positions on this matter being settled *inter partes*, and both parties expressed their amenability to settlement discussions. Applicant’s counsel was encouraged to approach counsel for the Respondent with a view to commencing those discussions.
5. On whether this case requires an oral hearing, the Applicant wants an oral hearing and the opportunity to testify himself, while the Respondent considers the matter suitable for adjudication on the papers.
6. The Tribunal notes that article 16.2 of its Rules of Procedure provides that “[a] hearing shall normally be held following an appeal against an administrative decision imposing a disciplinary measure.” Thus, the Tribunal agreed to grant the Applicant’s request for an oral hearing and directed the parties to agree on a suitable date in mid-June.
7. Counsel for the Applicant anticipates that her examination of the Applicant will take one hour, and the Respondent anticipates cross-examination to take the same amount of time. The parties also requested to provide closing arguments verbally at the end of the testimony rather than in a written submission thereafter.

8. Applicant's counsel was directed to file a statement to set the parameters of the Applicant's testimony. Once that statement has been filed, the Respondent will indicate whether he wishes to call any witnesses in rebuttal of the Applicant's proffered testimony.

9. In respect of disclosure, the Applicant asked the Tribunal to direct the Respondent to disclose the decision that was made following the investigation into another individual. Counsel argued that this person had been investigated for similar allegations but not sanctioned and that the disparity between the cases speaks directly to the issue of proportionality of the sanction meted out against her client.

10. The Respondent informed the Tribunal that the investigation into the other individual did not progress beyond the investigation stage; that the report is in the custody of the Office of Internal Oversight Services; and thus that the Office of Human Resources Management ("OHR") is not in a position to produce it.

11. The Tribunal directed counsel for the Applicant to file a motion for disclosure of the investigation report if he so desired. The Respondent will be given the opportunity to respond to the motion. Both counsel were also directed to enquire from that individual if they object to the document being disclosed to the Tribunal.

## **Conclusion**

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

- a. By **Wednesday, 16 April 2025**, the Applicant shall file:
  - i. the motion for disclosure if he desires, and
  - ii. a statement on his anticipated testimony.
- b. By **Friday, 25 April 2025**, the Respondent shall file his response to any motion for disclosure; and

c. By **Wednesday, 16 April 2025**, the parties will jointly provide the Registry with proposed dates for a half-day oral hearing of this matter in mid-June.

*(Signed)*

Judge Sean Wallace

Dated this 3<sup>rd</sup> day of April 2025

Entered in the Register on this 3<sup>rd</sup> day of April 2025

*(Signed)*

Liliana López-Bello for Wanda L. Carter, Registrar, Nairobi