



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/027  
Order No.: 89 (NBI/2025)  
Date: 20 June 2025  
Original: English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

COMPAORE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT AND  
APPLICANT’S MOTION FOR ORAL  
HEARING**

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**Counsel for the Applicant:**

Christian Gimenez Corte

**Counsel for the Respondent:**

Maria Romanova, DAS/ALD/OHR, UN Secretariat

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

## **Introduction**

1. The Applicant served as a professional staff member on a fixed term appointment with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). He was based in Goma as an Air Operations Officer.

2. He was separated from service of the Organisation with compensation *in lieu* of notice and without termination indemnity on 12 December 2024, for sexual exploitation *per* sections 1 and 3.2(c) of ST/SGB/2003/13 (“Special measures for protection from sexual exploitation and sexual abuse”) which is tantamount to serious misconduct in violation of staff regulations 1.2(a), 1.2(b), 1.2(f) and 1.2(q), and staff rule 1.2(e).

3. On 12 March 2025, the Applicant challenged the decision to separate him from service before the United Nations Dispute Tribunal sitting in Nairobi. The Respondent filed his reply to the application on 16 April 2025.

4. On 10 June 2025, the Tribunal issued Order No. 078 (NBI/2025) for a case management discussion (CMD) with the parties. The CMD took place, as scheduled, on 19 June 2025.

## **The Discussion**

5. Currently pending are two motions filed by the Applicant: a “Request for Oral Hearing to Examine Witnesses” and “Judicial Ratification of Statements And Request for a hearing to orally confirm the above Ratification”.

6. Referring to the Applicant’s motion for an oral hearing and his promise to provide “in due course ... the points of disputed facts that [his proposed witnesses’] testimony will cover,” the Tribunal advised the Applicant that the time for that disclosure is now.

7. The Tribunal directed the Applicant to file an amended motion indicating which facts are disputed and what each of the listed witnesses will say to dispute

those facts. Given that there is an issue as to whether these witnesses were identified by the Applicant during the investigation, the motion shall also indicate for each witness whether their name was provided to the Respondent during the investigation and the disciplinary process. If so, where in the record that can be found, and if not, why they were not identified earlier. The Applicant's filing should also include statements from each witness.

8. Upon examining the submissions, the Tribunal will determine whether a hearing shall be held and if so, who will be permitted to testify and the date(s) of the hearing. If no hearing is to be held, the Tribunal will provide a deadline for the filing of closing submissions.

9. Regarding the Applicant's request for "Judicial Ratification of Statements And Request for a hearing to orally confirm the above Ratification", the Applicant submitted a statement from the alleged victim in this case (Ms. Mugisha) wherein she states that she and the Applicant "reached an amicable agreement" which included her withdrawal of the complaint, and that accordingly she withdrew her complaint, said the accusations were unfounded and wished to testify to this effect.

10. The Respondent objects to both the admission of Ms. Mugisha's statement and her testimony before the Tribunal. The Respondent takes the position that the statement now being proffered contradicts what she told the investigators, that she was paid for her new statement, and that she cannot be considered a credible witness.

11. The Tribunal overruled the Respondent's objection. The statement is admitted to the record. The Tribunal will examine the statement with all of the other evidence on record and determine what weight it should be given.

## **Orders**

12. The following ORDERS are made:

- a. By 11 July 2025, the Applicant shall file a statement of disputed facts. Also, as to each proffered witness: what they are expected to say and how that

testimony addresses the disputed facts, along with written statements from those witnesses. The Applicant shall also indicate whether any witness needs interpretation into English, and the anticipated length of their testimony.

b. By 21 July 2025, the Respondent shall respond to the Applicant's submissions, including how long the cross-examination of these witnesses is anticipated.

c. The parties' submissions shall also include a list of all dates that counsel and the witnesses are unavailable for a hearing within the next 90 days.

d. The Applicant's motion for "Judicial Ratification of Statements And Request for a hearing to orally confirm the above Ratification" is granted in part, to the extent that the witness statement attached thereto is accepted into the record.

*(Signed)*

Judge Sean Wallace

Dated this 20<sup>th</sup> day of June 2025

Entered in the Register on this 20<sup>th</sup> day of June 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi