



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/063
Order No.: 116 (NBI/2025)
Date: 31 July 2025
Original: English

Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

DJOMO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Marcos Zunino, OSLA
Martine Lamothe, OSLA

Counsel for Respondent:

Cynthia Kimaro, DAS/ALD/OHR, UN Secretariat
Albert Angeles, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is the Director, Level 2 of the Regional Service Centre in Entebbe (“RSCE”).
2. On 19 June 2025, he filed an application with the United Nations Dispute Tribunal based in Nairobi challenging the 21 March 2025 administrative decision to impose on him a disciplinary measure of written censure, following an investigation into allegations of misconduct. With his application, the Applicant also filed a separate “Motion for leave to exceed the page limit” pursuant to Practice Direction No. 4.
3. The Respondent filed its reply on 23 July 2025, in which it averred that the contested decision was lawful. The Respondent further requested permission to exceed the page limit in the submitted reply.
4. On 28 July 2025, the Applicant filed a Motion to Strike Out R/3 and for a Preliminary Ruling on Admissibility of Surreptitious Recording. The motion requests the Tribunal to find that the documents contained in “Annex R/3” of the Respondent’s reply are inadmissible, as they were not part of the disciplinary process, and to strike Annex R/3 from the record.
5. The Applicant’s motion also request a preliminary ruling on the admissibility of the “surreptitious recording” of the meeting during which the alleged misconduct occurred, and which was relied upon by the administration in the disciplinary process.
6. The Applicant’s motion further requests, in the alternative, that the Tribunal grant him leave to file a rejoinder to address Annex R/3 and the recording.

Consideration

7. Article 19.1 of the Rules of Procedure provides that the “Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties”.

8. The Tribunal has carefully considered the submissions made by the Applicant in this motion and considers it to be appropriate to allow the Respondent to respond to the issues raised regarding the admissibility of both Annex R/3 and the challenged recording before making a further determination.

9. Additionally, in the interests of judicial economy, the Applicant is granted leave to file his proposed rejoinder as to both Annex R/3 and the recording.

Conclusion

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

- a. The Applicant’s Motion to Exceed the page Limit” is granted;
- b. The Respondent’s request to exceed the page limits in its submitted reply is granted;
- c. The Respondent shall file a response addressing the issues cited in the Applicant’s Motion to Strike Out R/3 and for a Preliminary Ruling on Admissibility of Surreptitious Recording on or before **5:00pm (Nairobi time) on Friday, 15 August 2025;**
- d. The Applicant shall file a rejoinder addressing Annex R/3 and the recording on or before **5:00pm (Nairobi time) on Friday, 15 August 2025;**

e. Both the response and the rejoinder should not exceed 5 pages, font Times New Roman, font size 12, line spacing of 1.5 lines. 20. The cover page and the page containing the list of annexes and signatures shall not be included in counting the number of pages.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 31st day of July 2025

Entered in the Register on this 31st day of July 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi