



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/026
Order No.: 017 (NY/2025)
Date: 5 February 2025
Original: English

Before: Judge Solomon Areda Waktolla

Registry: New York

Registrar: Isaac Endeley

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Sètondji Roland Adjovi, Etudes Vihodé Ltée

Counsel for Respondent:

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

Maria Romanova, DAS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 093 (NY/2024) dated 16 September 2024, the Duty Judge (Judge Adda) ordered (a) the parties to file consolidated lists of agreed and disputed facts by 7 October 2024 (para. 29), and (b) the Applicant's Counsel to file written statements for each of his proposed witnesses setting out what disputed fact(s) each of these witnesses is to give testimony about, also by making reference to the relevant paragraph in the consolidated list of disputed facts by 24 October 2024 (para. 30).
2. On 3 October 2024, the Respondent filed a "submission regarding the requested joint statement of agreed and disputed facts" in which he explained that he had "reached out to Applicant's counsel with a proposal to prepare and send him the first version of the joint statement of agreed and disputed facts by 27 September 2024", but noted that "Applicant's counsel has not replied to any of the Respondent counsel's messages". He therefore requested the Tribunal to make "such order as it deems appropriate to ensure that the Applicant and his counsel comply with the Order", or, alternatively, schedule a Case Management Discussion ("CMD").
3. On 6 October 2024, the Applicant filed a motion to request an extension of time to file the joint statement of agreed and disputed facts until 9 December 2024.
4. By email from the Registry of 7 October 2024, the Duty Judge (Judge Adda) granted the Applicant's 6 October 2024 motion for extension of time.
5. On 7 October 2024, the Applicant filed another motion to seek an extension of time to file the statements for his proposed witness until 23 December 2024.
6. By email from the Registry of 16 October 2024, the Duty Judge (Judge Adda) also granted the Applicant's 7 October 2024 motion for an extension of time.
7. On 31 October 2024, the Respondent filed a request for a CMD to "clarify the required scope of the Joint Statement in view of the Order". Therein, he asked "whether the Joint Statement should address only 'the facts on which the disciplinary

measure was based’, as provided by Article 9(4) of [the Dispute Tribunal’s] Statute, which determines the scope of judicial review”.

8. By email from the Registry of 26 November 2024, the Duty Judge (Judge Belle) noted that the case remained unassigned, but that when the case is assigned to a Judge of the Dispute Tribunal, he would address the Respondent’s 31 October 2024 request. The Duty Judge further ordered that “[i]n the meantime, the deadlines for the parties as per Order No 093 (NY/2024), paras. 29 and 30, as later postponed by the Duty Judge (Judge Adda), are also suspended until further notice” (emphasis in the original omitted).

Consideration

The issues of the present case and the Tribunal’s limited scope of review of disciplinary cases

9. In Order No. 093 (NY/2024), the Duty Judge outlined the issues of the present case and the Tribunal’s limited scope of review of disciplinary cases. The undersigned Judge agrees therewith and endorses the Duty Judge’s stipulations.

Case management

10. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue any order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

11. The Tribunal notes that the parties have not complied with the Duty Judge’s instructions in Order No. 093 (NY/2024) as the Respondent’s 31 October 2024 query regarding the scope of the facts to be set out in the joint statement of agreed and contested facts needs to be resolved. Also, it is noted that in the application, the Applicant requested (a) a hearing to be held to call 14 witnesses, (b) the Respondent “to provide written proof that [the Under-Secretary-General for Management Strategy, Policy and Compliance] actually took the actions and made the decisions

communicated in the 22 March 2024 sanction letter, and (c) to be granted anonymity in the present proceedings.

12. Accordingly, the Tribunal has decided to conduct a CMD. The purpose of the CMD shall be to discuss these issues and generally to deal with any other matter which may facilitate a fair and expeditious disposal of the case and to do justice to the parties.

13. In light of the above,

IT IS ORDERED THAT:

14. A CMD shall take place on **Monday, 10 February 2025 at 09:30 a.m. New York City** time via Microsoft Teams.

15. Counsel for the Applicant and Counsel for the Respondent shall attend the CMD. The Registry will provide a link to access the meeting.

(Signed)

Judge Solomon Areda Waktolla

Dated this 5th day of February 2025

Entered in the Register on this 5th day of February 2025

(Signed)

Isaac Endeley, Registrar, New York