



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/026  
Order No.: 028 (NY/2025)  
Date: 3 March 2025  
Original: English

**Before:** Judge Solomon Areda Waktolla

**Registry:** New York

**Registrar:** Isaac Endeley

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**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. 021 (NY/2025) dated 14 February 2025, the Tribunal ordered the parties to file a jointly-signed statement in which they set out consolidated lists of agreed and disputed facts by 26 February 2025.

2. On 26 February 2025, the Respondent filed a submission in which he stated that the parties could not reach agreement on producing the jointly-signed statement and appended the relevant correspondence between Counsel in this regard.

## **Consideration**

3. The Tribunal is seriously concerned, and extremely disappointed, with the parties' inability to follow its clear and precise written order concerning the production of a jointly-signed statement in which they were to set out consolidated lists of agreed and disputed facts. This order was even a repetition of an order made by the Duty Judge in Order No. 093 (NY/2024) dated 16 September 2024.

4. At the Case Management Discussion of 10 February 2025, the parties provided various explanations for their non-compliance with the Tribunal's order on producing consolidated lists of agreed and disputed facts. Some of these explanations were reiterated in the correspondence between Counsel subsequent to Order No. 021 (NY/2025). The Tribunal notes that both parties are represented by experienced Counsel for whom it should be an uncomplicated and straightforward task to comply with the Tribunal's order. This is also a standard practice before the Dispute Tribunal, which the Appeals Tribunal has endorsed in many instances.

5. The failure to comply with Order No. 021 (NY/2025) poses a challenge to the Tribunal's authority as a court of law and has resulted in a waste of its valuable resources. This might also have serious consequences for the adjudication of the

present case, including, but not limited to, causing delays in the proceedings and the Tribunal's issuance of a final judgment. Also, the Tribunal draws the parties' attention to art. 10.6 of its Statute. In conclusion, the Tribunal will not spend any more of its valuable time on this matter and will instead proceed to amend Order No. 021 (NY/2025) accordingly.

6. In light of the above,

IT IS ORDERED THAT:

7. By **4:00 p.m. on Friday, 7 March 2025**, the Applicant is to submit written statements for each of his proposed witnesses clearly setting out what exact disputed fact(s) each of these witnesses is to give testimony about by indicating the specific fact to be corroborated or denied. The witness statements must be precise and specific; general statements or facts will not be accepted. At the hearing, if called, the proposed witnesses will only be allowed to testify on these facts and nothing else. If appropriate, this written statement may also be adopted as the examination-in-chief at the hearing if the party leading the witness should wish to do so. For each proposed witness, the Applicant is also to indicate whether he requests that the testimony should be held behind closed doors (in camera) and also provide reasons for the request.

8. By **4:00 p.m. on Friday, 14 March 2025**, the Respondent is to provide his comments on the Applicant's 7 March 2025 submissions. If the Respondent agrees to any of the facts as presented by the Applicant, then there is no reason to hear the possible witness(es) on the relevant matter.

9. A hearing is tentatively scheduled to be held during the period of 3 to 11 April 2025.

*(Signed)*

Judge Solomon Areda Waktolla

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

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

*(Signed)*

Isaac Endeley, Registrar, New York