



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/026  
Order No.: 031 (NY/2025)  
Date: 14 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. 028 (NY/2025) dated 3 March 2025, the Tribunal ordered (a) the Applicant to submit written statements for each of his proposed witnesses by 7 March 2025, (b) the Respondent to provide his comments thereon by 14 March 2025. The parties were further instructed that a hearing was tentatively scheduled to be held during the period of 3 to 11 April 2025.

2. On 7 and 14 March 2025, the parties duly filed their submissions in accordance with Order No. 028 (NY/2025).

## **Consideration**

3. In the Applicant's 7 March 2025 submission, he provides written statements concerning the testimonies of the following witnesses (names redacted for privacy reasons): the Complainant (AM), AK, VK, ER, AS, TI, SM, DJ, WW, BL, EHM, and MW.

4. In the application, the Applicant also requested to call himself and CP as witnesses, but he filed no written statements regarding their testimonies. Regarding the Applicant, the Tribunal assumes that this is an oversight and that, as the moving party, he continues to wish to appear as a witness at the hearing. Concerning CP, the Tribunal, on the other hand, supposes that the Applicant withdrew his request to call her as a witness, which it also finds is sensible in light of the Respondent's 19 February 2025 email response to Order No. 021 (NY/2025) of 14 February 2025 and the written documentation already on file.

5. In the Respondent's 14 March 2025 response, he objects against the holding of a hearing, noting that the Applicant failed to comply with Order No. 028

(NY/2025) in which the Tribunal directed that “[t]he witness statements must be precise and specific; general statements or facts will not be accepted” and giving examples thereof with regard to each of the proposed witnesses.

6. The Tribunal finds that, to some extent, the witness statements produced by the Applicant lack the clarity and precision that it had expected. On the other hand, it cannot rule out the relevancy of any of the witnesses proposed by the Applicant in his 7 March 2025 submission and will therefore allow all their proposed witnesses based on the proposed testimonies set out in their respective witness statements. In addition, the Tribunal will allow the Applicant to appear as a witness.

7. A hearing is therefore to be held from Tuesday, 8 April to Friday 11 April 2025 via MS Teams. It will not be possible to change these dates as the undersigned Judge’s deployment in New York is strictly limited. The Tribunal therefore urges the parties to do their utmost to ensure that the hearing is held as scheduled below.

8. At the hearing, the witnesses are to be heard as follows:

a. *The Applicant and the Complainant.* Since they are the main witnesses of the case, the Tribunal will allow three hours in total to hear them. Each party will have 70 minutes for their questioning of each of the witnesses and short follow-up questions will be possible after the cross-examination. In direct examination, Counsel for the Applicant will lead his client and Counsel for the Respondent will lead the Complainant. Thereafter, each of the other parties will have the possibility of cross-examining the relevant witness. To ensure the comfort of the Complainant, the Applicant shall turn off his computer camera and microphone before she appears to testify and not turn them on during her testimony.

b. *AK, VK, ER and AS.* The Tribunal will allow 100 minutes in total to hear each one of them. Each of the parties will be allowed 45 minutes for questioning and then the possibility of short follow-up questions after cross-examination. Since the Applicant has requested all these witnesses to be heard, his Counsel will lead them all in direct examination after which Counsel for the Respondent will have the opportunity to cross-examine them.

c. *TI, SM, DJ, WW, BL, EHM, and MW.* The Tribunal will allow 70 minutes in total to hear each one of them. Each of the parties will be allowed 30 minutes for questioning and then the possibility of short follow-up questions after cross-examination. Since the Applicant has requested all these witnesses to be heard, his Counsel will lead them all in direct examination after which Counsel for the Respondent will have the opportunity to cross-examine them.

9. Before the hearing, as representative of the witnesses' employer, Counsel for the Respondent is to ensure the participation of all the witnesses, except the Applicant, and confirm this to the Tribunal. Also, each Counsel is to submit a paginated bundle of the written evidence, which they intend to refer to during the hearing

10. In light of the above,

IT IS ORDERED THAT:

11. A hearing is to be held from **8 – 11 April 2025** virtually via MS Teams.

12. By **4:00 p.m. on Tuesday, 1 April 2025**, the Respondent is to confirm the participation of all witnesses, except the Applicant, for the hearing schedule set out below. If certain witnesses, except the Applicant, are not available at the given date

and/or time, the Respondent is to propose an alternative time slot during the period from 7 – 11 April 2025 and present an alternative hearing schedule.

13. By **4:00 p.m. on Thursday, 3 April 2025**, each of the parties is to submit its paginated bundles of written evidence to which it intends to refer during the hearing.

14. The schedule of the hearing is as follows (New York time) and Counsel for the Applicant is to lead all the witnesses in direct examination, except the Complainant:

a. **Tuesday, 8 April 2025**

- i. From 9:15 a.m. to 9:30 a.m.—introduction by the Tribunal and possible preliminary case management matters
- ii. From 9:30 a.m. to 12:30 p.m.—the Applicant
- iii. From 12:30 p.m. to 1:30 p.m.—lunch break
- iv. From 1:30 p.m. to 4:30 p.m.—the Complainant

b. **Wednesday, 9 April 2024**

- i. From 9:30 a.m. to 11:10 a.m.—AK
- ii. From 11:10 a.m. to 12:50 p.m.—VK
- iii. From 12:50 p.m. to 1:30 p.m.—lunch break
- iv. From 1:30 p.m. to 3:15 p.m.—ER
- v. From 3:20 p.m. to 4:50 p.m.—AS

c. **Thursday, 9 April 2024**

- i. From 9:30 a.m. to 10:40 a.m.—TI
- ii. From 10:45 a.m. to 11:55 a.m. —SM
- iii. From 12:00 p.m. to 1:00 p.m.—lunch break
- iv. From 1:00 p.m. to 2:10 p.m. —DJ
- v. From 2:15 p.m. to 3:25 p.m.—WW

d. **Friday, 10 April 2024**

- i. From 9:30 a.m. to 10:40 a.m.—BL
- ii. From 10:45 a.m. to 11:55 a.m.—EHM
- iii. From 12:00 p.m. to 1:00 p.m.—lunch break
- iv. From 1:00 p.m. to 2:10 p.m.MW

*(Signed)*

Judge Solomon Areda Waktolla

Dated this 14<sup>th</sup> day of March 2025

Entered in the Register on this 14<sup>th</sup> day of March 2025

*(Signed)*

Isaac Endeley, Registrar, New York