



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/026
Order No.: 039 (NY/2025)
Date: 7 April 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. 037 (NY/2025) dated 3 April 2025, the Tribunal amended the hearing schedule in response to the Respondent's submissions as per Order No. 031 (NY/2025) dated 14 March 2025. In the amended hearing schedule, the Applicant was intended to provide his testimony from 9:30 a.m. to 12:30 p.m. on 8 April 2025.
2. On 4 April 2025, the Applicant filed a submission by which he informed that he "has chosen not to testify, even though he remains at the disposal of the Tribunal if the Tribunal wishes to put any question to him".
3. On 5 April 2025, the Respondent filed a motion to call the Applicant to testify.
4. On 7 April 2025, the Applicant filed a submission objecting to the Respondent's 5 April 2025 motion.

Consideration

5. In the Applicant's 4 April 2025 submission, he states that in Order No. 031 (NY/2025), the Tribunal "assumed that the Applicant forgot to list himself for testimony and to provide the related statement" but notes that "there was no oversight on the Applicant's submission of 6 March 2025". He further submits that he "has provided extensive documentation on his case and could no longer see any further information that could be elicited from his own testimony".
6. The Tribunal agrees that it indeed assumed that the Applicant wished to take the witness stand. The background was that in para. 25 of his application, he stated that he wanted to testify as a witness before the Tribunal and, subsequently, he made no explicit submissions concerning relinquishing this request.

7. In the Respondent's 5 April 2025 motion to call the Applicant to testify as a witness, he submits that he wishes to question the Applicant regarding (a) certain "factual assertions" made by him in annex "R/10" submitted by the Respondent on 26 February 2025, and (b) his "Annex 23, as it contains documents that were not submitted by the Applicant during the disciplinary process or with his Application".

8. In the Applicant's 7 April 2025 objection (unofficial translation from French), he submits that he "has not submitted anything new that was not presented to the investigators and human resources". If "the Respondent now claims that he was unaware of this, it is an admission of the scant consideration given to the information submitted by the Applicant during the proceedings and it discredits the disciplinary proceedings". Accordingly, "the Respondent's request cannot succeed since the Respondent failed to produce the specific aspects on which he would like to question the Applicant".

9. The Tribunal notes that—as the Applicant is the moving party of the present case—if the Applicant does not want to testify, it will not oblige him to do so. Also, none of the circumstances referred to by the Respondent require the Tribunal to hear his testimony. Other questions might, however, arise during the hearing concerning which his possible testimony would be needed to serve justice. Should this occur, the Tribunal will then call him as a witness under art. 17 of its Rules of Procedure.

10. In light of the above,

IT IS ORDERED THAT:

11. The Tribunal allows the Applicant's request not to appear as a witness in the present case.

12. The Respondent's motion to call the Applicant as a witness is rejected.

13. As the Applicant is no longer to testify, 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 1:15 p.m. to 1:30 p.m.—introduction by the Tribunal and possible preliminary case management matters
- ii. From 1:30 p.m. to 4:30 p.m.—the Complainant

b. **Thursday, 10 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 3:45 p.m.—VK

c. **Friday, 11 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 2:40 p.m.—ER
- v. From 2:45 p.m. to 4:35 p.m.—AK

d. **Tuesday, 22 April 2025**

i. From 9:15 a.m. to 10:25 a.m.—WW

ii. From 10:30 p.m. to 11:50 a.m.—MW

e. **Wednesday, 23 April 2025**

i. From 9:15 a.m. to 10:45 a.m.—AS

(Signed)

Judge Solomon Areda Waktolla

Dated this 7th day of April 2025

Entered in the Register on this 7th day of April 2025

(Signed)

Isaac Endeley, Registrar, New York