



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

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  
Anthony K. Wilson

**Counsel for Respondent:**

Steven Dietrich, ALD/OHR/DMSPC, UN Secretariat  
Miryoung An, ALD/OHR/DMSPC, UN Secretariat

Notice: this Order has been amended pursuant to Order No. 54 (GVA/2024).

## **Introduction**

1. The Applicant, a former Head of the Donor Coordination Section, P-4, at the United Nations Assistance Mission in Afghanistan (“UNAMA”), contests the decision dated 8 May 2023 to impose on him the disciplinary measure of demotion by one grade with deferment for three years of consideration for eligibility for promotion, pursuant to staff rule 10.2(a)(ii), and the decision requiring him to commence gender sensitivity/awareness training (the “contested decision”).
2. On 5 August 2023, the Applicant filed the instant application against the contested decision. With the application, the Applicant also submitted a motion for anonymity and a request to exceed the page limit.
3. On 13 September 2023, the Respondent filed his reply arguing for the lawfulness of the contested decision, the rejection of the Applicant’s motion for anonymity, and also seeking authorization to exceed the page limit.
4. On 16 September 2023, the Applicant filed a motion seeking leave to file a rejoinder.
5. On 19 September 2023, the Respondent opposed the Applicant’s motion and requested to be granted the opportunity to comment on the Applicant’s rejoinder should his motion be granted.
6. By Order No. 150 (GVA/2023) of 10 November 2023, the Tribunal granted the parties’ motion to exceed the page limit, rejected the Applicant’s motion for anonymity, ordered the Applicant to file a rejoinder by 24 November 2023, and the Respondent to comment on said rejoinder by 8 December 2023.
7. On 11 November 2023, the Applicant filed a motion seeking a two-week extension of time to file a rejoinder.
8. By Order No. 157 (GVA/2023) of 15 November 2023, the Tribunal granted the Applicant’s motion for an extension of time to file a rejoinder, which he did on 6 December 2023. On 20 December 2023, the Respondent filed his comments on it.

9. By Order No. 32 (GVA/2024) of 12 April 2024, the Tribunal convoked the parties to a case management discussion (“CMD”), which was held virtually in Microsoft Teams on 24 April 2024.

10. By email of 15 April 2024, the Applicant informed the Tribunal that he retained legal representation and filed the respective authorization form.

### **Consideration**

11. During the CMD, the undersigned Judge invited the parties to identify the factual and legal issues in dispute, to inform him whether a hearing on the merits is warranted, and whether they were amenable to alternative dispute resolution.

12. The Applicant requested a hearing, whereas the Respondent argued that one is not needed in this case. The Applicant also requested the Judge to revisit his motion for anonymity.

### *Hearing on the merits*

13. As agreed during the CMD, the parties are instructed to clearly identify any potential and relevant witnesses for a formal hearing on the merits and explain the relevance of each testimony for the determination of the issues under dispute. This submission should not exceed 10 pages.

14. The parties are also instructed to confirm the availability of each witness to virtually attend a hearing on the merits between 10 and 13 June 2024, starting at 2 p.m. (GVA time).

### *Agreed hearing bundle*

15. As has been the practice in previous hearings of disciplinary cases, the Tribunal finds it appropriate to direct the parties to jointly produce an agreed bundle of documents/evidence on which they intend to rely at the upcoming hearing on the merits, in chronological order, indexed and paginated. Such bundle will be restricted to the issues proposed to be discussed at the hearing, and used to examine and cross-examine the witnesses.

*Alternative dispute resolution*

16. At the CMD, the Tribunal encouraged the parties to attempt alternative dispute resolution through informal settlement, but such possibility was negated.

*Motion for anonymity*

17. During the CMD, the undersigned Judge recalled that the matter of anonymity in this case was decided by Order No. 150 (GVA/2023) of 10 November 2023, and conveyed to the Applicant that it shall not be revisited unless new circumstances arise.

**Conclusion**

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

- a. The parties shall identify the relevant witnesses to a hearing on the merits and confirm their availability to virtually attend it at the proposed dates, as per paras. 13 and 14 above, by **Wednesday, 8 May 2024**; and
- b. The parties shall file a joint submission with an agreed hearing bundle of documents attached, as per para. 15 above, by **Wednesday, 5 June 2024**.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 25<sup>th</sup> day of April 2024

Entered in the Register on this 25<sup>th</sup> day of April 2024

*(Signed)*

René M. Vargas M., Registrar, Geneva