



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

VANSHELBOIM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Isavella Maria Vasilogeorgi, DAS/ALD/OHR, UN Secretariat

Nicola Caon, DAS/ALD/OHR; UN Secretariat

Introduction

1. The Applicant, a former staff member of the United Nations Office for Project Services (“UNOPS”), contests the decision to impose on him the disciplinary measures of dismissal and a fine of twelve month’s net base salary. He also contests the decision to recover from him the amount of USD63,626,806 and to withhold the release of the PF.4 form (“separation notification”) to the United Nations Joint Staff Pension Fund (“UNJSPF”) until such indebtedness is fully recovered.
2. On 17 May 2023, the Respondent filed his reply.

Consideration

Filing of a rejoinder

3. Having perused the case file, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file a rejoinder.

Filing of translated documents

4. In his reply, the Respondent indicates that some of the documents contained in the case record are issued in languages other than the working languages of the Organization (English and French). He states that he was not able to procure official translations of these documents prior to the submission of his reply and requests leave to file these translations later.
5. Considering the stage of the proceedings and pursuant to art. 19 of its Rules of Procedure, the Tribunal grants the Respondent’s motion. However, official translations of the documents in record should be submitted no later than by the end of October 2023.

Parties’ requests to exceed the page limit

6. The Applicant requested permission to exceed the page limit in his application and so did the Respondent in his reply. In support of their request, the parties pointed *inter alia* to the factual complexity of the case.

7. The Tribunal notes that under paras. 6 and 19 of its Practice Direction No. 4, both the application and the reply should not exceed 10 pages. Nevertheless, para. 2 of Practice Direction No. 4 makes it clear that this Practice Direction is “subject to any direction given by a Judge in a particular case”.

8. Considering the circumstances of the case invoked by both parties, the Tribunal finds that it would not be in the interest of justice to be overly formalistic in this matter. Consequently, pursuant to art. 19 of its Rules of Procedure, the Tribunal will grant both parties’ requests to exceed the page limit.

Release of the Applicant’s separation notification and case fast-tracking

9. In his application, the Applicant requests the Tribunal to order the immediate release of his separation notification to the UNJSPF.

10. The Tribunal notes the withholding of the Applicant’s separation notification is linked to the fine imposed on him and the recovery decision referred to in para. 1 above. As such, the Tribunal finds that this matter should be considered along with the merits of the Applicant’s claim and cannot be decided at this stage of the proceedings. The Tribunal will decide on this in due course and will fast-track consideration of the application.

Amicable settlement

11. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

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

- a. By **Wednesday, 27 September 2023**, the Applicant shall file a rejoinder;

- b. By **Tuesday, 31 October 2023**, the Respondent shall file official translations of the relevant documents pursuant to paras. 45 and 5 above;
- c. The parties' requests to exceed the page limit are granted; and
- d. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Thursday, 19 October 2023**.

(Signed)

Judge Sun Xiangzhuang

Dated this 14th day of September 2023

Entered in the Register on this 14th day of September 2023

(Signed)

René M. Vargas M., Registrar, Geneva