



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

KHAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Sadia Javed

Counsel for Respondent:

Jacob van de Velden, DAS/ALD/OHR, UN Secretariat

Maria Romanova, DAS/ALD/OHR, UN Secretariat

Introduction

1. By application filed on 24 July 2023, the Applicant contests the decision to separate him from service, with compensation in lieu of notice, and without termination indemnity, on disciplinary grounds.
2. On 23 August 2023, the Respondent filed his reply.
3. By Order No. 167 (GVA/2023) of 13 December 2023, the Tribunal directed the Applicant to file a rejoinder by 12 January 2024 and the parties to explore resolving the dispute amicably, instructing them to revert to the Tribunal in this respect by 19 January 2024.
4. On 9 January 2024, the Applicant filed a rejoinder.
5. On 19 January 2024, the parties informed the Tribunal separately that they had not been able to amicably resolve the dispute.
6. On 27 February 2024, the present case was assigned to the undersigned Judge.
7. On 16 May 2024, the Tribunal conducted a case management discussion (“CMD”) with the participation of Counsel for the Applicant and Counsel for the Respondent.

Consideration

Motion to exceed the page limit

8. In his reply, the Respondent sought the Tribunal’s permission to exceed the page limit in his filing given “the Applicant’s filing of in total 111 pages in submissions [and] the factual complexity of the case”.
9. Considering the complexity of the case and the fact that the Applicant has already filed a rejoinder addressing the issues raised by the Respondent in his reply, the Tribunal decides to grant the Respondent’s motion.

The legal issues

10. During the CMD, the Tribunal referred to the legal issues to be determined, as well as the standard of evidence required, i.e., clear and convincing evidence.

The hearing

11. While Counsel for the Respondent indicated that a hearing was not necessary given the evidence on record, Counsel for the Applicant requested the Tribunal to hear the testimony of 18 witnesses whose identities have not yet been disclosed.

12. To assess whether a hearing shall be held, the Tribunal considers it appropriate to give Counsel for the Applicant an opportunity to indicate the reasons for her request, and to identify the relevant witnesses to be called and the issues on which they would testify. There is no need at this stage to provide written witness statements. It is sufficient for Counsel for the Applicant to briefly mention on which issues each of the proposed witnesses will testify.

13. Counsel for the Respondent will then have the opportunity to provide his comments on the Applicant's submission and to reconsider his position if he so wishes.

14. The Tribunal will subsequently decide whether a hearing is to be held and which witnesses are to be called in this respect.

Additional evidence

15. None of the parties indicated their will to file additional evidence at this stage.

Conclusion

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

- a. By **Tuesday, 4 June 2024**, the Applicant shall file the information indicated in para. 12 above;

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b. By **Tuesday, 18 June 2024**, the Respondent shall file a response to the Applicant's submissions as per para. 13 above.

(Signed)

Judge Sun Xiangzhuang

Dated this 21st day of May 2024

Entered in the Register on this 21st day of May 2024

(Signed)

René M. Vargas M., Registrar, Geneva