



**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

## **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.

11. By Order No. 39 (GVA/2024), the Tribunal instructed the parties to identify any potentially relevant witnesses for a hearing on the merits explaining the relevance of their testimony for the determination of the issues under dispute, and confirming their availability to virtually attend a hearing between 10 and 13 June 2024. With respect to the Applicant’s request for anonymity raised at the CMD, the Applicant was reminded that the matter of anonymity was decided by Order No. 150 (GVA/2023), and that it would not be revisited unless new circumstances arise.

12. On 8 May 2024, the parties filed their respective submission pursuant to Order No. 39 (GVA/2024).

13. On 10 May 2024, the Respondent filed a motion for leave to respond to the Applicant’s submission of 8 May 2024. The following day, the Applicant responded to the Respondent’s motion.

14. By Order No. 54 (GVA/2024), the Tribunal, *inter alia*, reconsidered its previous decision and granted the Applicant anonymity. It also scheduled four witnesses to give testimony on a virtual hearing on the merits to be held on 10 and 11 June 2024. In this respect, the Tribunal granted the Respondent’s request to protect V01’s privacy and well-being by not naming her during these proceedings and Judgment, by having her testimony *in camera*, and by not allowing the Applicant to be virtually present during it.

15. On 20 May 2024, the Applicant filed a motion asking the Tribunal to reconsider para. 27(c) of Order No. 54 (GVA/2024), thus allowing the Applicant to be virtually present during V01’s testimony.

16. By Order No. 56 (GVA/2024), the Tribunal rejected the Applicant's motion for reconsideration of para. 27(c) of Order No. 54 (GVA/2024).

17. On 27 May 2024, the Applicant filed a motion to suspend proceedings pending the outcome of an appeal before the United Nations Appeals Tribunal in respect of para. 27(c) of Order No. 54 (GVA/2024) and Order No. 56 (GVA/2024).

### **Consideration**

18. While the Dispute Tribunal's Rules of Procedure do not contain a provision determining the suspension of proceedings when a party appeals an interlocutory order, art. 10.1 of its Statute allows the Dispute Tribunal to suspend proceedings in a case at the request of the parties.

19. Considering that the Applicant appealed para. 27(c) of Order No. 54 (GVA/2024) and Order No. 56 (GVA/2024), which contain this Tribunal's decision on arrangements for an upcoming hearing on the merits, a suspension of proceedings is justified by reasons of judicial economy. To proceed otherwise would risk the integrity of the present proceedings.

### **Conclusion**

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

- a. The Applicant's motion for suspension of proceedings is granted;
- b. The proceedings in this matter are suspended until the Applicant's appeal of para. 27(c) of Order No. 54 (GVA/2024) and Order No. 56 (GVA/2024) is resolved and a decision is rendered.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 28<sup>th</sup> day of May 2024

Case No. UNDT/GVA/2023/039

Order No. 62 (GVA/2024)

Entered in the Register on this 28<sup>th</sup> day of May 2024

*(Signed)*

Liliana López Bello, Legal Officer, for René M. Vargas M., Registrar, Geneva