



Before: Judge Sun Xiangzhuang (Presiding), Judge Joelle Adda, Judge Sean Wallace

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:

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

Maria Romanova, 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 months’ 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. After several Orders on case management, by Order No. 49 (GVA/2024) of 8 May 2024, the Tribunal instructed the parties to confirm the availability of the proposed witnesses to attend a hearing on the merits between 5 and 16 August 2024.
3. By Order No. 63 (GVA/2024) of 30 May 2024, the Tribunal accepted the Applicant’s revised submission of additional documentation into the case record, as well as his motion to admit a corrigendum to the joint submission of agreed and disputed facts. The Tribunal also gave the Respondent an opportunity to file a response to the Applicant’s revised submissions.
4. On 3 June 2024, the Respondent filed his response to the Applicant’s revised submissions and provided the Tribunal with the information requested at para. 29(c) of Order No. 49 (GVA/2024). *Inter alia*, the Respondent informed the Tribunal that Mr. CC failed to respond to his messages, and that Mr. AA and Ms. BB only agreed to appear if they could be heard remotely, minimizing their costs.
5. By email dated 6 June 2024, the Tribunal asked the Respondent to confirm whether Mr. AA and Ms. BB would be willing to appear in person if the Tribunal covered their travel costs, and to confirm their locations during the week of 12 August 2024.
6. By email dated 14 June 2024, the Respondent informed that both witnesses reconsidered and declined to testify in this matter.

Consideration

Hearing on the merits

7. While both parties submitted that an oral hearing is not necessary and that the case can be decided on the basis of the extensive evidentiary record, they both confirmed their availability to participate in a hearing if required.

8. Pursuant to art. 16.2 of the Tribunal's Rules of Procedure and art. 9.4 of the Tribunal's Statute, the Tribunal finds it appropriate, for the fair and expeditious disposal of the case, to hold an *in person* hearing on the merits that will be held at the Geneva Courtroom on 12, 13 and, if needed, 14 August 2024.

9. In the interest of transparency and accountability, the Tribunal highlights that the hearing shall be open to the public.

10. A tentative schedule with the order of appearances will be issued in an upcoming Order.

Agreed hearing bundle

11. Prior to the hearing, the parties shall produce an agreed bundle of documents/evidence on which they intend to rely at the upcoming hearing on the merits. The documents in the bundle should be listed in chronological order and indexed, and the bundle should be properly paginated. Such bundle shall be restricted to the issues proposed to be discussed at the hearing, and used to examine and cross-examine the witnesses.

Conclusion

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

- a. An oral hearing will be held on **12, 13 and, if needed, 14 August 2024 at the Geneva Courtroom starting at 10 a.m. each day**; and

Case No. UNDT/GVA/2023/020

Order No. 72 (GVA/2024)

b. The parties shall file a joint submission with an agreed hearing bundle of documents attached to it by **Monday, 5 August 2024**.

(Signed)

Judge Sun Xiangzhuang (Presiding)

Dated this 25th day of June 2024

Entered in the Register on this 25th day of June 2024

(Signed)

René M. Vargas M., Registrar, Geneva