



**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

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**ORDER  
ON CASE MANAGEMENT**

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**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 only two of the proposed witnesses reverted to him concerning a possible appearance before the Tribunal. The Respondent added that these witnesses are former staff members and, therefore, “not duty-bound to appear”. He also stated that “[i]f [the witnesses] can be heard remotely, minimizing their cost, the Respondent anticipates that they would agree to appear”.

5. By email dated 6 June 2024, the Tribunal asked the Respondent to confirm whether the two above witnesses 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.

7. By Order No. 72 (GVA/2024) of 25 June 2024, the Tribunal scheduled the hearing to be held *in person* at the Geneva Courtroom on 12, 13, and, if needed, 14 August 2024.

### Consideration

#### *Tentative schedule*

8. In view of the foregoing, the tentative schedule of the hearing, which may be subject to change, is as follows:

#### **Monday, 12 August 2024 (all times are Geneva time)**

10 a.m.	Parties' opening statements
2 p.m.	The Applicant. Examination-in-Chief by Counsel for the Applicant, and cross-examination by Counsel for the Respondent.

#### **Tuesday, 13 August 2024**

10 a.m.	CFO, UNOPS. Examination-in-Chief by Counsel for the Respondent, and cross-examination by Counsel for the Applicant.
11 a.m.	Closing submissions

9. 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, as instructed in paras. 11 and 12(b) of Order No. 72 (GVA/2024).

10. With respect to the *public* and *in person* hearing, the Panel highlights that there is limited space capacity at the Geneva Courtroom. As it follows, access to the Courtroom will be granted on a first come, first serve basis, upon request to the Geneva Registry.

11. Exceptionally, the Tribunal will provide a link for the public to follow these proceedings remotely as well.

## **Conclusion**

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

- a. An oral *in person* hearing will be held on **12 and 13 August 2024 at the Geneva Courtroom starting at 10 a.m. each day;**
- b. The parties are notified of the tentative schedule of appearances at the hearing as per para. 8 above;
- c. The parties shall file a joint submission with an agreed hearing bundle of documents, as per paras. 11 and 12(b) of Order No. 72 (GVA/2024), **by Monday, 5 August 2024;** and
- d. Other practicalities regarding the hearing, as directed by the Tribunal, will be handled in due course by the Geneva Registry in communication with the parties.

*(Signed)*

Judge Sun Xiangzhuang (Presiding)

Dated this 3<sup>rd</sup> day of July 2024

Entered in the Register on this 3<sup>rd</sup> day of July 2024

*(Signed)*

René M. Vargas M., Registrar, Geneva