



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. Between 12 and 13 August 2024, the parties attended a virtual hearing on the merits before a three-Judge Panel (“the Panel”).

Consideration

3. During the hearing, the parties requested leave to submit detailed closing submissions in writing instead of giving lengthy oral statements.

4. The Panel accepted the request and instructed the parties to file their closing submissions by Friday, 23 August 2024, subject to a 20-page limit.

5. Having examined the evidence on record and having considered the testimonies heard at the hearing on the merits, the Panel considers appropriate to instruct the parties to dedicate part of their closing submission to develop on the following issues, including specific references to the evidence already on record supporting their position:

a. In short, according to the sanction letter, the Applicant, *inter alia*, misrepresented several projects, provided inaccurate information, and concealed relevant ones about the Kendrick entities in order to bypass proper due diligence within UNOPS. The parties shall develop on the issue of misrepresentations of projects/entities and concealing of relevant information, particularly in relation to the allegations b, g, i, j, o, r, s, and t, of the sanction letter;

b. Part of the allegations against the Applicant is that he “advised” Mr. Kendrick “behind the scenes” on how to better prepare future project proposals to UNOPS (see, e.g., annex R/2 to the Respondents’ reply,

document 000688). The Applicant claimed at the hearing, however, that advising UNOPS business partners on these matters was part of his job. The parties shall develop on this, explaining the tasks, responsibilities, and boundaries of the Applicant's role as Assistant-Secretary-General and Chief Executive of UNOPS S3i;

c. In short, the Applicant alleges that he is not responsible for the financial loss suffered by UNOPS because, had the Organization not decided to cancel the contracts and projects prematurely, financial loss would not have happened. Considering the testimony of the expert witness heard on 13 August 2024, the parties shall develop on their argument about the causality of the financial loss;

d. The sanction letter states that UNOPS's financial loss amounts to USD63,626,806 consisting of the principal capital allocated to the Kendrick entities, accrued interest and other fees owed to UNOPS. The Respondent shall breakdown the financial loss amount by informing the Tribunal the amount that relates to the principal capital, the accrued interest, and the fees, further explaining what these fees are.

Conclusion

6. In view of the foregoing, it is ORDERED THAT the parties shall file their respective closing submission, as instructed above, by **Friday, 23 August 2024**.

(Signed)

Judge Sun Xiangzhuang (Presiding)

Dated this 14th day of August 2024

Entered in the Register on this 14th day of August 2024

(Signed)

René M. Vargas M., Registrar, Geneva