



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/007/T

Order No.: 47 (GVA/2025)

Date: 7 May 2025

Original: English

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**Before:** Judge Margaret Tibulya

**Registry:** Geneva

**Registrar:** Liliana López Bello

APPLICANT

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:**

Miryoung An, DAS/ALD/OHR/UN Secretariat

## **Introduction**

1. By application filed on 6 March 2024, the Applicant, a staff member of the United Nations Mission in Kosovo (“UNMIK”), contests the decision to impose on her the disciplinary measure of separation from service with compensation in lieu of notice, and without termination indemnity.
2. On 9 April 2024, the Respondent filed his reply.
3. By Order No. 66 (GVA/2024), the Tribunal granted the Applicant’s motion for anonymity, directed the Applicant to file a rejoinder, and the parties to explore resolving this dispute amicably.
4. On 3 July 2024, the Applicant filed his rejoinder.
5. On 11 July 2024, the parties jointly submitted that they were unable to resolve the dispute amicably.
6. On 1 April 2025, the case was assigned to the undersigned Judge.
7. On 2 April 2025, the Tribunal invited the parties to a Case Management Discussion (“CMD”), which virtually took place on MS Teams on 9 April 2025.
8. Following the CMD, the Tribunal directed the parties to confirm the availability of the parties and the proposed witnesses, which were discussed during the CMD, to virtually attend a hearing on the merits at some point between 21 April and 16 May 2025.
9. By email dated 17 April 2025, the Respondent submitted that V01 is traumatized and unwilling to testify before the Tribunal in person. He then requested that V01 be examined through written questions.
10. On the same day, the Applicant submitted that he was available between 28 April and 6 May 2025, and that he objected to V01 being examined through written questions.

11. By email dated 22 April 2025, the Registry informed the parties that, pursuant to Practice Direction No. 5, all requests to the Tribunal should be made by motion. The Registry further clarified that the request regarding the oral hearing and V01 testimony was rejected by the Registry, and that they should submit their respective positions vis-à-vis the oral hearing and attendance of witnesses through a motion in CCMS.

12. On 23 April 2025, the Applicant filed a motion proposing that the hearing be held on 7 May 2025. He further stated that the Respondent had agreed to such a date.

### **Consideration**

13. Even though Counsel for the Applicant and Counsel for the Respondent apparently agreed on a date for a hearing on the merits, they remained silent with respect to the examination of V01. The Tribunal directed them to file a proper motion with their respective position vis-à-vis the accommodation of V01 requested by the Respondent in his email, but the Applicant's pending motion of 23 April 2025 does not mention any agreement in this respect.

14. Therefore, the Tribunal finds it appropriate to direct the Applicant and the Respondent to file written submissions substantiating the following:

- a. Their respective proposed witnesses for a hearing on the merits;
- b. The accommodations required for the examination and cross-examination of said witnesses;
- c. The parties' availability, including that of their witnesses, to virtually attend a hearing on the merits at some point between 19 and 30 May 2025, starting at 3 p.m. (Geneva time).

15. The Respondent shall confirm V01's availability.

## **Conclusion**

16. In view of the foregoing, it is ORDERED THAT, by **Friday, 9 May 2025**, the parties shall file written submissions, as per paras. 14 and 15 above.

*(Signed)*

Judge Margaret Tibulya

Dated this 7<sup>th</sup> day of May 2025

Entered in the Register on this 7<sup>th</sup> day of May 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva