



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/011/T

Order No.: 61 (GVA/2025)

Date: 3 June 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:**

Self-represented

**Counsel for Respondent:**

Lucienne Pierre, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. This order addresses Applicant's two motions, namely:
  - a. Motion on reconsideration of 28 May 2025 decision on the list of agreed and disputed facts; and
  - b. Motion on reconsideration of Order No. 50 (GVA/2025) in as regards production of documents.

## **Consideration**

### *Motion on reconsideration of 28 May 2025 decision on the list of agreed and disputed facts*

2. The Tribunal held a case management discussion ("CMD") on 28 May 2025. At the CMD, the Applicant insisted on the need for the parties to prepare a list of agreed and disagreed facts. However, after deliberations, it was noted that the agreed and disagreed issues were clear in the application, reply, rejoinder and other various submissions filed by the parties. The Tribunal thus decided not to pursue this matter any further.
3. On 29 May 2025, the Applicant filed a motion on what she terms as "reconsideration of 28 May 2025 decision on list of agreed and disputed facts, and Respondent's proposed testimony to be clearly referenced to disputed facts".
4. The Applicant submits, *inter alia*:

I want to be treated fairly and need to be able to prepare properly for a hearing, and respectfully request a minimum of 3 weeks as from 29 May 2025, for submission of a jointly-signed statement providing, under separate headings, the following information:

  - a. A consolidated list of the agreed facts. In chronological order, this list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning;
  - b. A consolidated list of the disputed facts. In chronological order, the list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning. If any documentary and/or oral evidence is relied upon to support a disputed fact, clear reference is to be made to the appropriate annex in the application or reply, as applicable. At the end of the disputed

paragraph in square brackets, the party contesting the disputed fact shall set out the reason(s).

5. The Applicant further submits that:

Testimony proposed by the Respondent should be clearly referenced to the disputed facts, not mere (wrongly stated) presence in a meeting, or “testimony regarding the Applicant’s performance during the relevant period” (cf. Respondent’s 16 May 2025 submission).

6. On 30 May 2025, the Respondent responded to the Applicant’s motion and argues for its rejection on the basis of impermissibility under the rules.

7. The Tribunal recalls that in *Bertucci* 2010-UNAT-062, paras. 22 and 23, the United Nations Appeals Tribunal held that,

[...] under the new system of administration of justice, the Dispute Tribunal (“UNDT”) has broad discretion with respect to case management. As the court of first instance, the UNDT is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and do justice to the parties.

8. Considering that the Applicant’s motion falls squarely within the case management authority of this Tribunal regarding evidence, procedure and trial conduct, and based on the progress of this case, the Tribunal has the discretionary authority to decide what is appropriate for the fair and expeditious disposal of a case.

9. In this case, the Applicant does not indicate how the list of agreed or disagreed facts will advance her case or assist the Tribunal in its disposal.

10. The Tribunal reiterates its oral pronouncement made at the CMD that the agreed and disagreed issues were clear in the application, reply, rejoinder and other various submissions filed by the parties. Documents on the record are sufficient to guide the Tribunal in determining the issues in dispute in this case.

11. As it follows, the Tribunal does not see the need for or value of a list of disputed and undisputed facts in this case, and the Applicant’s motion for reconsideration stands to be, therefore, rejected.

*Motion on reconsideration of Order No. 50 (GVA/2025) in as regards production of documents.*

12. By Order No. 50 (GVA/2025), the Tribunal denied the Applicant's motion on production of documents.

13. On 2 June 2025, the Applicant filed a motion for reconsideration of Order No. 50 (GVA/2025) with respect to her request for production of documents.

14. The Tribunal recalls that the Applicant requests (i) an investigation report and other documents related to the shooting incident that occurred on 17 January 2020 in Haiti; (ii) code cables and emails from Haiti to the United Nations Headquarters regarding this incident, (iii) and other documents from the General Legal Division of the Office of Legal Affairs.

15. The Tribunal reiterates its decision as contained in Order No. 50 (GVA/2025) that the requested documents are not relevant to the contested decision. Documents on the record are sufficient to guide the Tribunal in determining the issues in dispute in this case.

### **Conclusion**

16. In view of the foregoing, it is ORDERED THAT the Applicant's:

- a. Motion on reconsideration of the Tribunal's decision of 28 May 2025 on the list of agreed and disagreed facts is rejected; and
- b. Motion on reconsideration of Order No. 50 (GVA/2025) in as it relates to production of documents is also rejected.

*(Signed)*

Judge Margaret Tibulya

Dated this 3<sup>rd</sup> day of June 2025

Entered in the Register on this 3<sup>rd</sup> day of June 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva