



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/059

Order No.: 134 (GVA/2025)

Date: 27 November 2025

Original: English

Before: Judge Sean Wallace

Registry: Geneva

Registrar: Liliana López Bello

DE DOBBELAERE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON A MOTION FOR THE
ESTABLISHMENT OF A
THREE-JUDGE PANEL**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. The Applicant, a former staff member of the United Nations Children’s Fund (“UNICEF”), filed an application on 3 September 2025, challenging UNICEF’s decision not to refer her complaint of possible misconduct against the Deputy Executive Director, Management (“DED-M”), UNICEF, to the Office of Internal Oversight Services (“OIOS”) for an initial assessment.

2. On 18 November 2025, the Applicant filed a motion for the referral of the instant case to a Panel of three Judges, pursuant to art. 10.9 of the Tribunal’s Statute.

3. Pursuant to para. 6 of the Practice Direction No. 5, “[u]nless otherwise directed by the Tribunal, a response to a motion filed by a party shall be filed within five working days of service of the motion on that party”. The Respondent had, therefore, until 25 November 2025 to file a response to the Applicant’s motion. Absent such a response, the Tribunal decides to proceed without it.

4. The Duty Judge, Judge Sun Xiangzhuang, referred the Applicant’s motion to the undersigned Judge, Judge Wallace, for consideration in his capacity as President of the Dispute Tribunal.

Consideration

5. The instant case involves UNICEF’s decision not to refer the Applicant’s complaint of possible misconduct against the DED-M to OIOS for assessment. The *gravamen* of the allegations is that the DED-M “repeatedly offered a substantial sum of money to the Applicant in exchange for the withdrawal of evidence in a sexual misconduct case involving the DED-M’s supervisee”.

6. The Applicant argues that “these offers were coercive, violated UN rules and regulations, and contravened the Organization’s zero-tolerance policy on sexual misconduct.” She asserts that UNICEF admits the offers were made, but asserts they were appropriate.

7. In her motion requesting referral of this case to a Three-Judge Panel, the Applicant contends that the legal issue at hand is particularly complex and of

considerable importance and further asserts that the question presented is novel and unprecedented.

8. According to art. 10.9 of the Dispute Tribunal Statute,

Cases before the Dispute Tribunal shall normally be considered by a single judge. However, the President of the United Nations Appeals Tribunal may, within seven calendar days of a written request by the President of the Dispute Tribunal, authorize the referral of a case to a panel of three judges of the Dispute Tribunal, when necessary, by reason of the particular complexity or importance of the case. Cases referred to a panel of three judges shall be decided by a majority vote.

9. The foregoing is reiterated in art. 5 of the Tribunal's Rules of Procedure.

10. Following receipt of the Applicant's motion, the President of the Dispute Tribunal reviewed the case file. In the President's assessment, there is nothing particularly complex or of considerable importance about this case that would warrant granting the Applicant's motion and convening a Three-Judge Panel for its adjudication.

11. While acknowledging that the Applicant may hold a different view regarding the significance of her case, the undersigned Judge emphasizes that it is typical of the matters routinely handled by the Tribunal. The establishment of a Three-Judge Panel is exceptional and at the discretion of the Tribunal.

Conclusion

12. In view of the foregoing, it is ORDERED THAT the Applicant's motion for referral of the present case to a Three-Judge Panel is denied.

(Signed)

Judge Judge Sean Wallace

Dated this 27th day of November 2025

Entered in the Register on this 27th day of November 2025

(Signed)

Liliana López Bello, Registrar, Geneva