



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2012/008

Order No.: 213 (NBI/2013)

Date: 20 September 2013

Original: English

Before: Judge Coral Shaw

Registry: Nairobi

Registrar: Abena Kwakye-Berko, Acting Registrar

JOCONDO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

NOTICE OF HEARING

Counsel for the Applicant:

Victor Rodriguez

Counsel for the Respondent:

Stephen Margetts, ALS/OHRM

Introduction

1. The Applicant is a former employee of the Office for the Coordination of Humanitarian Affairs (“OCHA”). On 11 February 2012, he filed the current Application with the Tribunal contesting the decisions to: (i) offer him an appointment at the P-5 level instead of at the D-1 level, and the related decisions; (ii) move him from Haiti to Dakar; and (iii) abolish his D-1 post at the end of his last fixed-term contract, 24 August 2011.

2. The case was transferred from Judge Vinod Boolell to Judge Coral Shaw by Order No. 184 (NBI/2013) dated 20 August 2013.

3. The Registry informed the parties on 11 September 2013 of the Tribunal’s decision to hold a hearing in this matter in October 2013. The Parties confirmed their availability for 16 and 17 October 2013.

In view of the foregoing,

IT IS HEREBY ORDERED THAT:

4. The hearing in the matter of *Jocondo v. Secretary-General of the United Nations* (Case No. UNDT/NBI/2012/008) will take place on **Wednesday and Thursday, 16 & 17 October 2013**, in the UNDT Courtroom (UNON Conference Room 12) with an additional part day for closing submissions.

5. The hearing will commence at 1500 hours (Nairobi time - UTC+3) each day.

6. The issues on which the Tribunal will be hearing evidence and making determinations are the lawfulness of the decisions to:

- a. Offer the Applicant an appointment at the P-5 level instead of at the D-1 level, and any related decisions;
- b. Relocate the Applicant from Haiti to Dakar; and

c. Abolish the Applicant's D-1 post in Haiti at the end of his last fixed-term contract on 24 August 2011.

7. The Parties are to prepare and submit to the Registry **on or before 4 October 2013**:

a. Detailed synopses of the evidence to be given by each of their witnesses.

b. An indexed joint hearing bundle containing all documents to be referred to by the parties in evidence and submissions. The documents are to be paginated and listed in chronological order.

The Hearing

8. The hearing will proceed as follows:

a. At the commencement of the case counsel for each party is requested to give brief introductory submissions of no more than 5 minutes.

b. The Applicant and any witnesses to be called by the Applicant will give evidence on oath and refer to relevant documents on the direction of his counsel. Respondent's counsel will be entitled to cross examine the Applicant and his witnesses. The Tribunal may ask questions of the witnesses. The Applicant's counsel may briefly re-examine the Applicant and his witnesses on matters arising from cross examination.

c. The evidence for the Respondent will proceed in the same manner. Counsel for the Applicant may cross examine the Respondent's witnesses.

9. The Parties are required to file written synopses of their closing submissions with the Registry on 17 October 2013 and should be prepared to provide oral submissions to the Tribunal at the close of the hearings or on 22 October 2013.

10. In accordance with Article 16.4 of the Rules of Procedure, the parties or their duly designated representatives must be present at the hearing either

in person or, where unavailable or where directed by the Tribunal, by electronic means. If a party intends to appear by electronic means, he should provide the Registry with his contact information including a land line telephone number no later than **Monday, 7 October 2013**.

11. The parties are to provide the Registry with contact information for their witnesses **on or before 7 October 2013**.

12. This Order serves as a Hearing Notice pursuant to Article 16 of the Tribunal's Rules of Procedure.

(Signed)

Judge Coral Shaw

Dated this 20th day of September 2013

Entered in the Register on this 20th day of September 2013

(Signed)

Abena Kwakye-Berko, Acting Registrar, Nairobi