



**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

PIEZAS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**CASE MANAGEMENT ORDER**

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**Counsel for the Applicant:**

Marco Zunino, OSLA

Jason Biafore, OSLA

**Counsel for the Respondent:**

Jacob van de Velden, DAS/ALD/OHR, UN Secretariat

Andrea Ernst, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant is a Risk Management and Compliance Officer at the United Nations Support Office in Somalia (“UNSOS”). She serves on a fixed-term appointment at the P-4 level and is based in Mogadishu.

## **Procedural History**

2. On 13 January 2022, the Applicant filed an application with the United Nations Dispute Tribunal sitting in Nairobi to challenge the Respondent’s decision to impose a written reprimand on her. The administrative measure was imposed on her for “disseminating an unsubstantiated rumour of sexual exploitation involving a senior official.”

3. On 2 February 2022, the Applicant filed a motion seeking leave to adduce evidence of harm in support of her claims for moral and reputational damages which included medical documents.

4. The Respondent filed his reply on 11 February 2022. The Respondent’s case is that there is “sufficient evidence that the Applicant engaged in unsatisfactory conduct by spreading a serious, unsubstantiated rumour of sexual exploitation within the Mission, for no good reason. She thereby contributed to unnecessary damage to the reputation of the staff members implicated in the rumour, and potentially the reputation of the Organization.”

5. The Tribunal held a case management discussion (“CMD”) with the parties on 19 September 2022.

6. On 23 September 2022, the Registry sent the parties an email recording the directions issued by the Presiding Judge. The directions included deadlines for the filing of the parties’ respective witness statements, a notice of hearing and a deadline for the filing of closing submissions. The Tribunal also granted the Applicant’s motion dated 2 February 2022.

7. On 26 September 2022, the Respondent informed the Registry that he would call JSK to testify and moved for her testimony to be heard *in camera*.
8. On 28 September 2022, the Applicant objected to the testimony of JSK on grounds that it would be “irrelevant and prejudicial.” The Applicant also filed her list of witnesses and a motion for anonymity.
9. On 28 September 2022, the Respondent wrote to the Registry indicating that he will respond to the Applicant’s filings.
10. On 29 September 2022, the Registry issued further directions to the parties.

The Presiding Judge directs that pleadings in this matter are now closed so that there will be no further filings by either party, **except** for the witness statements previously ordered and which are due on **30 September 2022**.

The Respondent is directed to obtain the presence of witnesses Messrs Lagajino, Bijurenda and Mbewe for the hearing.

The Respondent is permitted to call JSK, whose testimony will be heard *in camera*. Her witness statement should be filed by **30 September 2022**.

Any other housekeeping matters may be raised at the start of the oral hearing and these will be ruled on orally at the time.

11. Despite this direction, on 30 September 2022, the Respondent filed submissions “on the Applicant’s witness list, motion for anonymity and motion objecting to the testimony of JSK.”

### **Directions**

12. For the purposes of clarity, the Tribunal reiterates the following **ORDERS**:
  - a. With regard to the Respondent’s Motion that the Tribunal should deny the Applicant’s request to call witnesses Bijurenda and Mbewe, the Tribunal’s directions dated 29 September 2022 stands. The Respondent is **directed to make those witnesses available for cross-examination at the hearing**.

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- b. The Tribunal directed on 29 September 2022 that the Respondent may call JSK and that the witness' testimony will be heard *in camera*;
- c. The Tribunal will determine whether anonymisation is warranted in this case after the oral hearing;
- d. Both parties are **directed** to comply with the directions given on 23 and 29 September 2022. There will be no further directions from the Tribunal until the hearing.

*(Signed)*

Judge Eleanor Donaldson-Honeywell

Dated this 4<sup>th</sup> day of October 2022

Entered in the Register on this 4<sup>th</sup> day of October 2022

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi