



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/027
Order No.: 165 (NBI/2022)
Date: 23 November 2022
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

BAH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Maximilian Girod-Laine

Counsel for the Respondent:
Jenny Kim, AS/ALD/OHR, UN Secretariat

Introduction

1. At a case management discussion held on 31 October 2022, the Tribunal encouraged the parties to consider resolving the case informally. In the event of not entering a settlement, upon provision of information of the telephone numbers used by the Applicant, the Respondent was directed to:

- a. Produce the record of calls between the Applicant and Ms. Gloria Aberin (Human Resources Partner, Headquarters Client Support Service), generated from Ms. Aberin's work mobile phone, her desk phone and Microsoft Teams; and
- b. Avail Ms. Aberin and Ms. Lisa Fraser (Office of Internal Oversight Services) as witnesses for a hearing.

2. On 21 November 2022, the Respondent informed the Tribunal that he does not agree to the informal resolution and requested that the case proceed to judgment on the merits. The Respondent failed to comply with the direction captured under point 1(a) above.

3. In view of the above, it is **ORDERED** as follows:

ORDERS

4. By **5 December 2022**, the Respondent shall file the record of calls made or answered by Ms. Aberin from her work mobile phone, her desk phone and Microsoft Teams for the period of January and February 2021.

5. By **10 December 2022**, the Applicant shall indicate whether he identifies any of the calls as having been between him and Ms. Aberin.

6. The hearing in the matter of *Bah v. The Secretary-General of the United Nations* shall be held from **13-15 December 2022**, commencing at **3 p.m.** and ending

at **5.30 p.m.** each day (Nairobi time, GMT+3) via Microsoft Teams. The hearing will be held in public. The Registry will provide a link to access the meeting.

7. The Tribunal wishes to hear the Applicant, Ms. Aberin and Ms. Fraser. It is the responsibility of the Respondent to ensure the availability of Ms. Aberin and Ms. Fraser at the hearing.

8. Should either party intend to refer the witnesses to any document, the said document should be provided to the Registry and the witness in advance.

9. In accordance with art. 16.4 of the UNDT Rules of Procedure, the parties or their duly designated representatives must attend the hearing.

10. The parties and their witnesses are reminded that recording of courtroom proceedings is not permitted.

11. Regarding the order of appearance, the Applicant will testify first. The order of hearing of the witnesses will be established upon consultation between the Registry and the parties.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 23rd day of November 2022

Entered in the Register on this 23rd day of November 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi