



Before: Judge Francesco Buffa
Registry: Nairobi
Registrar: Abena Kwakye-Berko

GUIMARAES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON CASE MANAGEMENT
AND NOTICE OF HEARING**

Counsel for the Applicant:

Julia Kyung Min Lee, OSLA
Jason Biafore, OSLA

Counsel for the Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat
Fatuma Mninde Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. On 28 July 2022, the Applicant, a Movement Control Officer with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, (“MONUSCO”), Goma, filed an application contesting the decision to remove her from the position of Chief of Joint Movement Coordination Centre (“JMCC”) and to reassign her as Bonded Warehouse Supervisor.

2. The Tribunal issued Order No. 037 (NBI/2023) on 14 February 2023, on case management, in which potential witnesses were identified by the Tribunal and the parties were given directions with a view to preparing for an oral hearing of this matter.

Consideration

3. In compliance with the directions of the above-mentioned order, the parties communicated to the Registry (the Respondent by email of 22 February, and the Applicant by email of 20 February 2023) their availability for the hearing, asking to set it only in the period 27 March to 3 April 2023 and confirmed the availability of the witnesses to attend the hearing.

4. The Respondent opted not to call Mr. Bakou Amankou Philippe; he proposed to call in addition the Chief Human Resources Officer for MONUSCO, Mr. Ebow Idun. Apart from that, the parties did not ask for additional evidence.

5. The Tribunal notes that all parties, witnesses and counsels are in the same continent and that there are no relevant zones’ time differences that can impact to the scheduling of the hearing.

ORDERS

6. **NOTICE** is hereby issued that the matter of *Guimares v. Secretary General of the United Nations* (UNDT/NBI/2022/064) is set down for **oral hearing in the UNDT Courtroom in Nairobi, from 27 March 2023 to 3 April 2023.**

7. Unless exceptional circumstances arise, witnesses based in Nairobi or within commuting distance of Nairobi are expected to give their testimony in person in the Nairobi courtroom, in full respect of the applicable preventive sanitary measures and security rules. Parties appearing remotely are expected to provide the UNDT Registry in Nairobi with their respective contact details by Friday, 17 March 2023. The Applicant may attend all the hearings in person in the courtroom or remotely connected, as she prefers.

8. The hearing will proceed as follows:

Monday 27 March 2023, at 10.00: Opening statements by the parties.

At 10.30 – Applicant’s testimony

At 14.00 - Ms. Odia Yewande

Tuesday 28 March 2023

at 10.00 – Mr. Opio George

at 12.00 - Mr. John David

at 14.00 - Mr. Ebow Idun

Wednesday 29 March 2023

at 10.00 - Mr. Tonda Rogers

at 12.00 - Ms. Baele Myriam

Monday 3 April 2023

Closing oral submissions (time to be set in accordance with the parties’s availability).

9. Witnesses whose testimonies are scheduled on Monday and Wednesday will be examined-in-chief by the Applicant and cross-examined by the Respondent; witnesses whose testimonies are scheduled on Tuesday will be examined-in-chief by the Respondent and cross-examined by the Applicant.

(Signed)

Judge Francesco Buffa

Dated this 27th day of February 2023

Entered in the Register on this 27th day of February 2023

(Signed)

Eric Muli, Legal Officer, for,
Abena Kwakye-Berko, Registrar, Nairobi