



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/034
Order No.: 075 (NBI/2023)
Date: 2 May 2023
Original: English

Before: Judge Agnieszka Klonowiecka-Milart, Duty Judge
Registry: Nairobi
Registrar: Abena Kwakye-Berko

BHAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Manuel Calzada, MC LEGAL FZ LLC

Counsel for the Respondent:
Jacob van de Velden, DAS/ALD/OHR
Maria Romanova, DAS/ALD/OHR

Introduction

1. The Applicant filed an application on 23 March 2023 contesting the decision to impose on him the disciplinary measure of dismissal, in accordance with staff rule 10.2(a)(ix).

2. The Respondent filed a reply on 27 April 2023 in which he requests the Tribunal to reject the application. The Respondent bases his request on the fact that there is clear and convincing evidence of the Applicant's sexual harassment and harassment of no less than five victims (V01, V02, V03, V04 and V05) and his attempted abuse of authority in respect of V01. The Respondent further contends that the established facts amount to misconduct, the imposed sanction was proportionate to the misconduct and the Applicant has been afforded a fair process.

Case management

3. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

4. Having taken into consideration the pleadings of the parties, the Tribunal

ORDERS

5. On or before **10 May 2023**, the Applicant shall indicate whether he seeks to have evidence produced before the Tribunal in an oral hearing, and if so, state:

- a. whom he is requesting to call to testify; and
- b. what facts are to be proven through the testimony of the proposed witnesses.

Case No. UNDT/NBI/2023/034

Order No.: 075 (NBI/2023)

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 2nd day of May 2023

Entered in the Register on this 2nd day of May 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi