



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/016

Order No.: 133 (NBI/2023)

Date: 23 August 2023

Original: English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Eric Muli, Officer-in-Charge

THEUNENS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for the Applicant:**  
George G. Irving

**Counsel for the Respondent:**  
Marcos Zunino, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 17 February 2023, the Applicant filed an application in which he contests the decision to impose on him the disciplinary measure of demotion by one grade and deferment of eligibility for consideration for promotion for three years, pursuant to staff rule 10.2(a)(vii).

2. On 21 March 2023, the Respondent filed a reply in which he seeks dismissal of the application on the basis that it has no merit, and that the contested decision was lawful. The Respondent further contends that compensation for harm must be supported by evidence. The evidence should consist of three elements for which the Applicant has not produced evidence: the harm itself, an illegality, and a nexus between them.

3. By Order No. 125 (NBI/2023) dated 3 August 2023, the Tribunal decided to hold a Case Management Discussion (“CMD”) on 10 August 2023. The purpose of the CMD was further identification of disputed issues, including the facts on which the disciplinary measure was based and whether the facts were not established by clear and convincing evidence.

4. During the CMD, 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.

5. At the conclusion of the CMD, the parties confirmed their availability for the hearing to be held beginning on Monday, 11 September 2023.

### **IT IS ORDERED THAT:**

6. By Thursday, 31 August 2023, the parties shall file: (i) any additional documents they wish to submit; (ii) their list of witnesses with witness statements and (iii) indicate the preferred order of appearance of their respective witnesses.

7. On or before 31 August 2023, the parties must indicate if they will need interpretation services during the hearing.

**NOTICE**

8. Is hereby issued that the matter of *Theunens v. The Secretary General of the United Nations* (UNDT/NBI/2023/016) is set down for oral hearing in the UNDT Courtroom in Nairobi, from 11 to 15 September 2023.

*(Signed)*

Judge Sean Wallace

Dated this 23<sup>rd</sup> day of August 2023

Entered in the Register on this 23<sup>rd</sup> day of August 2023

*(Signed)*

Eric Muli, Officer-in-Charge, Nairobi