



Before: Duty Judge
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

WAMARA TIBENDERANA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Sètondji Roland ADJOVI
Anthony Kreil WILSON

Counsel for Respondent:

Jacob B. van de Velden, DAS/ALD/OHR, UN Secretariat
Seungyoun Seo, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a former Movement Control Assistant at the United Nations Mission in the Democratic Republic of Congo. On 10 March 2024, he filed an application contesting the 19 December 2023 decision to impose on him the disciplinary measure of separation from service with compensation in lieu of notice and without termination indemnity pursuant to staff rule 10.2(a)(viii) and to enter his name in the UN ClearCheck database.

2. In his reply, the Respondent requests the Tribunal to reject the application. He contends that, on the one hand, there “was clear and convincing evidence on the record that the Applicant made unwelcome sexual advances at V01 on three occasions in February 2022” and, on the other hand, that “[t]he Applicant also made unwelcome advances at V02 between April 2021 and March 2022”.

3. On 11 April 2024, the Applicant filed a motion for leave to respond to the Respondent’s reply.

Consideration

Filing of a rejoinder

4. Having perused the case file, the Tribunal considers it appropriate and in the interest of justice to grant the Applicant’s motion and direct him to file a rejoinder, especially addressing the Respondent’s arguments contained in paragraphs 4-9 of his reply.

Amicable settlement

5. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

6. In view of the foregoing, it is ORDERED THAT:
- a. By **Friday, 26 April 2024**, the Applicant shall file a rejoinder. The rejoinder shall not exceed five pages.
 - b. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Wednesday 22 May 2024**.

(Signed)

Judge Sean Wallace, Duty Judge

Dated this 15th day of April 2024

Entered in the Register on this 15th day of April 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi