



**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** René M. Vargas M., Officer-in-Charge

TOMECI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**HEARING NOTICE**

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**Counsel for Applicant:**

George Irving

**Counsel for Respondent:**

Wei Zhuang, DAS/ALD/OHR, UN Secretariat  
Santiago Steta Perea, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 22 August 2023, the Applicant, a former staff member of the United Nations Mission in South Sudan, filed an application before the Dispute Tribunal challenging the 30 June 2023 decision of the Under-Secretary-General for Management Strategy, Policy and Compliance to impose upon him the disciplinary measure of separation from service with compensation in lieu of notice for serious misconduct.
2. The Respondent filed a reply on 27 September 2023.
3. The Applicant filed a rejoinder on 26 March 2024.
4. The parties then engaged in discussions about the possibility of resolving the matter amicably. To this effect, the Tribunal suspended proceedings until 28 June 2024 at the parties' request.
5. On 13 June 2024, the parties informed the Tribunal that an amicable resolution was not feasible.
6. A case management discussion ("CMD") took place on 18 July 2024.

## **Consideration**

7. At the CMD, it was agreed that a trial will take place from 19-20 August 2024. The parties agreed that the Applicant would file witness statements following which the Respondent would consider which of the witnesses he wishes to cross examine at the trial.
8. The Applicant filed five witness statements on 19 July 2024. These are:
  - a. Statement of Graeme A. Membry, former Principal Security Adviser;
  - b. Statement of Valentin Ballescu, a Close Protection Officer ("CPO");
  - c. Statement of Alexandru Teodor Ciora, CPO;
  - d. Statement of Nikolay Kovalev, former Chief Security Officer; and

- e. Statement of Assunta Vero Pai Tomeci, the Applicant's spouse and former National Staff.

**Conclusion**

9. In view of the foregoing, it is ORDERED THAT:
  - a. A hearing on the merits of this case will take place from **19 to 20 August 2024** commencing each day at 1 p.m. (Nairobi time);
  - b. The Applicant shall testify on the first day of the hearing;
  - c. The Respondent shall inform the Tribunal of the witnesses that will be cross-examined by **Friday, 26 July 2024**; and
  - d. The parties shall file a paginated, joint trial bundle by **Friday, 2 August 2024**.

*(Signed)*

Judge Sean Wallace

Dated this 24<sup>th</sup> day of July 2024

Entered in the Register on this 24<sup>th</sup> day of July 2024

*(Signed)*

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