



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

WAMARA TIBENDERANA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT AND ON
THE APPLICANT'S MOTION
FOR PRODUCTION OF EVIDENCE**

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. On 26 April 2024, the Applicant filed a motion for the production of various pieces of evidence. The Respondent filed his response to this motion on 29 April 2024.

3. On 8 July 2024, the Tribunal called for a case management discussion (“CMD”) with the parties, which took place on 29 July 2024.

The Discussion

The Motions

4. The Tribunal heard the Respondent’s oral submission on the correspondence between Ms. Pollard and Ms. Lopez marked as annex R6 Doc. 2 to the Respondent’s reply, and directed that that email chain be produced.

5. The motion for “any/all” correspondence between counsel for the Respondent to Ms. Pollard was refused, as was the request for communications between Respondent’s counsel and any witnesses.

6. The Applicant’s motion to strike the Respondent’s revised reply was also refused.

Hearing

7. Counsel for the Applicant informed the Tribunal that the Applicant would prefer to be heard in French.

8. Having heard the parties on the time they respectively anticipate for each witness’ testimony, the oral hearing in this matter is estimated to take 8 hours.

9. The week of 16 or 23 September 2024 is tentatively scheduled for the hearing in this case, subject to the availability of interpreters and witnesses. Counsel for both parties are available for either of those two weeks.

10. The Respondent made an oral motion in respect of the testimony of V01. The Tribunal directed that that motion be made in writing.

Conclusion

11. In view of the foregoing, it is ORDERED THAT:

a. The Respondent will disclose the chain on correspondence between Ms. Polard and Ms. Lopez, as per para. 4 above, by **Monday, 5 August 2024**; and

b. The parties will confirm the availability and location of the witnesses in this case by **Monday, 12 August 2024**.

(Signed)

Judge Sean Wallace

Dated this 30th day of July 2024

Entered in the Register on this 30th day of July 2024

(Signed)

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