



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/NBI/2024/063
Order No.:	164 (NBI/2025)
Date:	23 September 2025
Original:	English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

RUDOLF JOCONDO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Adjovi S. Roland, *Etudes Vihodé Ltée*  
Wilson A. Kreil, *Etudes Vihodé Ltée*

**Counsel for Respondent:**

Lucienne Pierre, DAS/ALD/OHR, UN Secretariat  
Tamal Mandal, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 20 August 2025, the Tribunal issued Order No. 133 (NBI/2025) directing the Applicant to provide signed witness statements from each of the proposed witnesses setting out in detail and with precision, the facts which each witness would provide in testimony.

2. On 8 September 2025, the Applicant filed submissions in compliance with Order No. 133 (NBI/2025). The Applicant filed his own witness statement but in respect to the other witnesses, he submits that,

... it seems clear to the Applicant that none of those witnesses would be friendly to the extent that they would consent to testify in support of his case and provide a statement ahead. They are all potentially hostile witnesses. Except himself, obviously. Hence, he could only comply with the order with his own statement ...

However, instead of the witness statement, the Applicant will lay down the evidence expected from each witness, in addition to what he had already stated in previous submissions quoted in his response to Order No. 159 (NBI/2024).

The Applicant then describes the evidence expected from each witness.

3. The Applicant also requests the Tribunal to order the Respondent not to share his submissions with any other witness before their testimony citing an “unsavory and unethical practice by the Respondent of sharing the applicants’ submissions on witnesses with the witnesses before their testimony.”

## **Considerations**

4. The Tribunal considers that the Respondent should be afforded an opportunity to respond to the Applicant’s submissions, including the evidence the Applicant intends to adduce from the named witnesses.

5. Regarding the Applicant’s request for an order prohibiting the Respondent from sharing his submissions with witnesses, the Applicant does not identify a specific case wherein the Tribunal found the Respondent culpable for such a practice. Moreover, the Tribunal recalls that counsel are bound by the Code of Conduct.

## Conclusion

6. In view of the foregoing, it is ordered that the Respondent shall file observations/comments on the Applicant's response to Order No. 133 (NBI/2025) no later than **Wednesday, 1 October 2025**.

*(Signed)*

Judge Sean Wallace

Dated this 23<sup>rd</sup> day of September 2025

Entered in the Register on this 23<sup>rd</sup> day of September 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi