



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/127
Order No.: 230 (NBI/2025)
Date: 17 November 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

WILSON III

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR SUBPOENA OF
RECORDS**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Victoria Mujunga, AS/ALD/OHR, UN Secretariat

Introduction

1. On 13 November 2025, the Applicant, the Chief Human Resources Officer at the United Nations Mission for the Referendum in Western Sahara (“MINURSO”), filed an application requesting suspension of action (“SOA”), pending management evaluation, of the decision to terminate his fixed-term appointment, effective 9 December 2025.

2. The Respondent’s reply is due today, 17 November 2025.

3. By email on 16 November 2025 and using the Tribunal’s Court Case Management System on 17 November 2025, the Applicant filed a motion requesting a subpoena of the following documents:

a. Email records from the Head of Mission, MINURSO, on 6, 7, 8, and 9 November 2025 to the MINURSO Chief of Staff; Chief Mission Support; Chief Engineer; Political Affairs Officer; and Chief Supply Chain.

b. All communication between the Head of Mission and the Field Staff Union Chairman on 10 and 11 November 2025 including the minutes of a meeting concerning the Applicant’s separation held with the MINURSO Field Staff Union on 14 November 2025.

4. The Applicant claims these documents are relevant because they will show procedural irregularities, a disregard for ST/AI/2023/1 (Downsizing or restructuring resulting in termination of appointments) and the Head of Mission’s retaliation for the Applicant’s assistance to his former supervisor in filing cases before the Tribunal and the Ethics Office.

Considerations

5. Initially, it is important to clarify that the Dispute Tribunal lacks authority to issue or enforce subpoenas. However, art. 18.3 of the UNDT Rules of Procedure provides that,

A party wishing to submit evidence that is in the possession of the opposing party or of any other entity may, in the initial application

or at any stage of the proceedings, request the Dispute Tribunal to order the production of the evidence.

Accordingly, the Tribunal will treat the Applicant's request pursuant to art. 18.3.

6. On its face, the request seems overbroad. All communications between a Head of Mission and his upper-level staff and/or the staff union chairman are likely to be extensive and mostly irrelevant to the issues in this case. As such, the Tribunal *sua sponte* limits the request to only those documents related to the Applicant, his post, the downsizing, and /or the Applicant's former supervisor.

7. Given the impending deadline for the Tribunal to rule on the application, the Respondent is directed to file any response to the Applicant's request by 1:00 p.m. (Nairobi time) tomorrow, 18 November 2025. In addition, the Respondent shall file the requested documents (as limited by the preceding paragraph) *ex parte* by 4:30 p.m. (Nairobi time) tomorrow. Thereafter, the Tribunal will rule on the Applicant's request.

IT IS SO ORDERED.

(Signed)

Judge Sean Wallace

Dated this 17th day of November 2025

Entered in the Register on this 17th day of November 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi