



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/108
Order No.: 32 (NBI/2026)
Date: 30 January 2026
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

AGREBI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT AND HEARING NOTICE

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Irina Saetkhanova, UNOPS

Tiffany Henderson, UNOPS

Kong Leong Toh, UNOPS

Introduction

1. On 14 January 2026, the Tribunal issued Order No. 10 (NBI/2026), ordering, *inter alia*, that the parties consult and confirm with the Registry on a half-day hearing date in March. The parties were further ordered to inform the Tribunal whether they want to accept the statements from either side as their direct examination, subject to cross-examination.
2. On 23 January 2026, the parties filed a joint submission in response to Order No. 10 (NBI/2026). The parties have agreed on either day between 24, 25, or 26 March 2026 as the dates for the proposed hearing. The parties agreed that they do not wish to accept the written statements from either side as direct examination and reserve the right to examine their respective witnesses.
3. The Respondent filed an individual response to Order No. 10 (NBI/2026) on 26 January 2026. The Respondent filed witness statements from an Information Technology expert and from the investigator involved in this case. In addition, the Respondent “requests the Tribunal to exercise its authority to require Ms. Diouf’s appearance at the hearing.”
4. The Applicant also filed his response to Order No. 10 (NBI/2026) on 26 January 2026. The Applicant submitted a statement of his proposed testimony to the Tribunal and seeks leave to produce two additional documents: images of two emails regarding the proposed timing of the written test. The Applicant submits that

[t]he images demonstrate that the Applicant had initially proposed the written test be sat on the 28 December 2023. It was not until the 10 January 2024 that he was informed that candidates had not, yet, sat the written test. The Applicant submits that this is relevant because with his state of knowledge at the time, if the Applicant had

wanted to afford Ms. Diouf and unfair advantage in the process, the Applicant would have had to provide Ms. Diouf with images of the written test before the 28 December 2023 when he anticipated the test would be sat. The Respondent now alleges the images were communicated after that date.

Considerations

5. A party who wishes to have a witness testify at a hearing is responsible for making that witness available. However, under certain circumstances such as the present, it has proven difficult for the Respondent to secure the attendance of Ms. Diouf at the proposed hearing. Pursuant to art. 9.2 of the UNDT Statute and art. 17.1 of the Rules of Procedure, the Dispute Tribunal is vested with the authority to require the presence of any person at a hearing.

6. The Tribunal considers that Ms. Diouf testimony is relevant to the issues arising in this case and thus will grant the Respondent's request. However, the Tribunal's power to compel her appearance is restricted by the fact that Ms. Diouf is no longer a staff member of the United Nations.

7. For the reasons submitted by the Applicant, the motion to adduce the two additional documents is granted.

ORDERS

8. The virtual hearing of this case will take place at 9 a.m. (Nairobi time) on **Wednesday, 25 March 2026**.

9. The Respondent's request for the Tribunal to order the appearance of Ms. Diouf for the upcoming hearing is granted, and the Registry shall send a copy of this order to her at the listed email address, requesting receipt of delivery/reading.

10. The Applicant's motion to adduce images of two emails regarding the proposed timing of the written test into the case record is granted.

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11. The parties shall file their agreed joint trial bundle by 5 p.m. (Nairobi time) on **Monday, 23 March 2026**.

(Signed)

Judge Sean Wallace

Dated this 30th day of January 2026

Entered in the Register on this 30th day of January 2026

(Signed)

Wanda L. Carter, Registrar, Nairobi