



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/071

Order No.: 39 (NY/2020)

Date: 3 March 2020

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

MUKEBA WA MUKEBA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Isavella Vasilogeorgi, ALD/OHR, UN Secretariat
Romy Batrouni, ALD/OHR, UN Secretariat

1. On 31 January 2020, by Order No. 18 (NY/2020), the Tribunal found it necessary to hold a one-day hearing to hear the Applicant's testimony and requested the parties to confirm their availability to attend a hearing between 24 March and 3 April 2020.

2. Having consulted with the parties through the Registry, the Tribunal decides to schedule a one-day hearing on 26 March 2020.

3. In an email dated 3 February 2020, the Applicant moved the Tribunal to request that the Respondent submit evidence concerning any sanction imposed on another MONUSCO staff member who was investigated along with the Applicant. The Tribunal finds that the outcome of an investigation concerning another staff member involved in the same investigation as the Applicant is not relevant to the determination of this case. The Tribunal finds that the documents submitted by the parties, together with the Applicant's testimony, will be sufficient for a fair adjudication of this case. The request for submission of additional evidence is therefore rejected.

4. The Tribunal notes that the Respondent filed the investigation report and related annexes dated 30 September 2016 and 3 February 2017 and the addendum to the investigation report dated 5 October 2017 *ex parte*. For the fairness of the proceedings, the Tribunal finds it necessary to direct the Respondent to file redacted versions of said documents to be disclosed to the Applicant.

IT IS ORDERED THAT:

5. The parties shall attend a one-day hearing on 26 March 2020. The hearing will commence at 9:00 a.m. New York time. All logistical arrangements will be coordinated by the New York Registry.
6. By **4:00 p.m. on Monday, 16 March 2020**, the Respondent shall file redacted versions of the investigation report and related annexes dated 30 September 2016 and 3 February 2017 and of the addendum to the investigation report dated 5 October 2017.
7. The Applicant's request for additional evidence is rejected.
8. In the event that either party intends to refer to any document during the hearing, the relevant party shall submit, by **4:00 p.m. on Friday, 20 March 2020** a paginated bundle of these documents.

(Signed)

Judge Joelle Adda

Dated this 3rd day of March 2020