



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/014

Order No.: 062 (NY/2023)

Date: 28 July 2023

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

DE MELO CABRAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Setondji Roland Adjovi

Counsel for Respondent:

Miryoung An, DAS/ALD/OHR

Isavella Maria Vasilogeorgi, DAS/ALD/OHR

Introduction

1. On 5 April 2022, the Applicant, a former staff member of the Office of Special Adviser on Africa (“OSAA”), filed an application contesting the decision to impose on him a disciplinary measure of separation from service with compensation in lieu of notice and without termination indemnity.

2. The Respondent filed a reply on 5 May 2022 submitting that the contested decision was lawful.

3. On 7 March 2023, the Applicant, filed a motion requesting *inter alia*: (a) leave to file his response to the Respondent’s reply; (b) production of documents pertaining to the recusal and delegation of authority regarding his placement on administrative leave with pay; and (c) combining the present proceedings with the proceedings in Case No. UNDT/NY/2022/015 (*Hamam*).

4. On 13 March 2023, the Respondent filed a response objecting to the Applicant’s motion.

Considerations

5. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties. In order for the Tribunal to further adjudicate this case, and before deciding on the Applicant’s motion, it considers it necessary for the parties to file further submissions as directed below.

IT IS ORDERED THAT:

6. By **4:00 p.m. on Friday, 8 September 2023**, the parties are to file a jointly-signed statement providing, under separate headings, the following information:

- a. A consolidated list of the agreed facts. In chronological order, this list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning;
 - b. A consolidated list of the disputed facts. In chronological order, the list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning. If any documentary and/or oral evidence is relied upon to support a disputed fact, clear reference is to be made to the appropriate annex in the application or reply, as applicable. At the end of the disputed paragraph in square brackets, the party contesting the disputed fact shall set out the reason(s);
7. By **4:00 p.m. on Friday, 8 September 2023**, each party is to submit whether it requests to adduce any additional evidence, and if so, state:
- c. What additional documentation it requests to be disclosed, also indicating what fact(s) this is intended to substantiate; and/or
 - d. The identity of the witness(es) the party wishes to call, if any, and what disputed fact(s) each of these witnesses is to give testimony about, also setting out the proposed witness's testimony in writing. This written witness statement may also be adopted as the examination-in-chief at a potential hearing if the party leading the witness should wish to do so.
8. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.

(Signed)

Judge Joelle Adda

Dated this 28th day of July 2023

Entered in the Register on this 28th day of July 2023

(Signed)

Isaac Endeley, Registrar, New York