



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/009

Order No.: 076 (NY/2023)

Date: 23 August 2023

Original: English

Before: Duty Judge

Registry: New York

Registrar: Isaac Endeley

SALLOUM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

John McNamara

Counsel for Respondent:

Alister Cumming, UNICEF

Chinonyelum Esther Uwazie, UNICEF

Introduction

1. On 24 March 2023, the Applicant, a former staff member of the United Nations Children's Fund (“UNICEF”), filed an application contesting the decision to impose on him a disciplinary measure of dismissal.

2. The Respondent filed a reply on 25 April 2023 submitting that the contested decision was lawful. In his reply, the Respondent requested leave to exceed the Tribunal’s page limit in his reply and to grant witness V01 anonymity in the proceedings.

Considerations

3. 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.

On the motion for leave to exceed the page limit

4. The Tribunal notes the factual complexity of the case and grants the Respondent’s request to exceed the page limit for the reply.

On the Respondent’s request for anonymity for witness V01

5. The Respondent requests the Tribunal to grant witness V01 anonymity in the proceedings and all documents and references to her. Having considered the sensitive nature of the matters relating to witness V01, the Tribunal grants V01 anonymity in these proceedings.

6. In order for the Tribunal to further adjudicate this case, it considers it necessary for the parties to file further submissions as directed below.

IT IS ORDERED THAT:

7. The Respondent's request for leave to exceed the page limit of the reply is granted;
8. The Respondent's request for anonymity for witness V01 is granted;
9. By **4:00 p.m. on Monday, 16 October 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);
10. By **4:00 p.m. on Monday, 16 October 2023**, each party is to submit whether it requests to adduce any additional evidence, and if so, state:
 - a. What additional documentation it requests to be disclosed, also indicating what fact(s) this is intended to substantiate; and
 - b. Whether the parties wish to hold a hearing in this case; and if so,
 - c. The identity of the witness(es) the party wishes to call, if any, and what disputed fact(s) or issue(s) each of these witnesses is to give testimony about.

11. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.

(Signed)

Judge Joelle Adda

Dated this 23rd day of August 2023

Entered in the Register on this 23rd day of August 2023

(Signed)

Isaac Endeley, Registrar, New York