



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/014

Order No.: 139 (NY/2023)

Date: 8 December 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:

Christopher Bollen

Counsel for Respondent:

Miryoung An, DAS/ALD/OHR

Isavella Maria Vasilogeorgi, DAS/ALD/OHR

1. On 5 April 2022, the Applicant, a former staff member of the Office of the 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 28 July 2023, the Tribunal issued Order No. 062 (NY/2023) directing the parties to, *inter alia*, submit whether either party 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/or (b) 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.
4. The parties subsequently requested extension of time to comply with Order No. 062 (NY/2023), which was granted by the Tribunal.
5. On 14 November 2023, the Applicant filed his submission stating “[...] there is no additional evidence to be adduced in relation with the decisions to impose and extend his [administrative leave without pay]. [...] With the above being said, in view of the parties’ recent submission of the consolidated lists of agreed and disputed facts, the Applicant respectfully requests the instant Tribunal that it convene a hearing in accordance with Article 16 of its Rules of Procedure. This hearing would address all of the agreed and disputed facts and provide the Tribunal with an opportunity to hear the witnesses relevant to these facts”.
6. The Tribunal notes that the Applicant has failed to properly adhere to directions in Order No. 062 (NY/2023) regarding additional evidence and it is therefore necessary to direct the Applicant to make a further submission.

7. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal,

IT IS ORDERED THAT:

8. By **4:00 p.m. on Thursday, 28 December 2023**, the Applicant is to submit whether he 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/or

b. 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.

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

(Signed)

Judge Joelle Adda

Dated this 8th day of December 2023

Entered in the Register on this 8th day of December 2023

(Signed)

Isaac Endeley, Registrar, New York