



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/002/R1
Order No.: 96 (NY/2025)
Date: 9 December 2025
Original: English

Before: Judge Francis Belle

Registry: New York

Registrar: Isaac Endeley

BAHEL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Sahil Gupta
Arjun Singh Bawa

Counsel for Respondent:

Nicola Caon, DAS/ALD/OHR, UN Secretariat
Cynthia Kimaro, DAS/ALD/OHR, UN Secretariat

Introduction

1. By Order No. 066 (NY/2025) of 11 August 2025, the Tribunal instructed the Respondent “to file all documents related to the Applicant’s initial submission in this case, including the memorandum of 10 January 2007, the complete record of proceedings before the [former Joint Disciplinary Committee, “JDC”], and all exchanges between the Applicant and the Respondent prior to 15 January 2024”.

2. On 28 August 2025, the Respondent provided “the documents currently available in [his] possession” including documentation related to the disciplinary proceedings, the Applicant’s memorandum dated 10 January 2007 challenging the original disciplinary measure, and correspondence exchanged with the Applicant prior to 15 January 2024. However, the Respondent stated that “a complete record of proceedings before the JDC could not be located”.

3. On 29 November 2025, the Applicant filed a motion in which he submitted, *inter alia*, that “although the Respondent has placed on record certain sets of documents, a perusal thereof reveals that the Respondent has withheld and failed to file the complete correspondence exchanged between the Applicant and the Respondent deliberately or otherwise”. The Applicant also asserted in the motion that the Respondent “has selectively produced documents, thereby suppressing material communications which are crucial to the present proceedings”. The Applicant therefore requested the Tribunal to “take on record several letters and email communications exchanged between the parties, particularly those pertaining to the year 2006, which have not been brought on record by the Respondent”.

4. On 5 December 2025, the Respondent filed a response to the Applicant’s motion in which he “reject[ed] the suggestion by the Applicant that he has deliberately or selectively withheld documents”. The Respondent also “wishe[d] to clarify that he filed everything available to his counsel and retained by the [the former Administrative Law Unit, “ALU”, now the Administrative Law Division, “ALD”] at the time of his

submission on 28 August 2025. However, additional files have come to light that may contain relevant documentation which Respondent's counsel is still presently reviewing". He adds that "[g]iven the volume of these documents and resource constraints in the ALD at present, Respondent's counsel are still in the process of reviewing these documents with a view to submitting" them as revised annexes. The Respondent also objected to the Applicant's motion to adduce certain additional evidence.

Considerations

5. Having examined the parties' submissions, the Tribunal considers it necessary to conduct a case management discussion ("CMD") in the present matter in order to review the status of the case file and to determine the next steps in the proceedings.

6. At the Tribunal's direction, the Registry has already contacted the parties and confirmed their availability to attend the CMD on Friday, 12 December 2025.

7. In light of the foregoing,

IT IS ORDERED THAT:

8. A CMD will be conducted in the present case at **9:00 a.m. New York time on Friday, 12 December 2025**, via Microsoft Teams.
9. The Registry is directed to make the necessary arrangements for the CMD.

(Signed)

Judge Francis Belle

Dated this 9th day of December 2025

Entered in the Register on this 9th day of December 2025

(Signed)

Isaac Endeley, Registrar, New York