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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/031  
Order No.: 011 (NBI/2022)  
Date: 7 February 2022  
Original: English

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**Before:** Francesco Buffa  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

VAN DE GRAAF

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Ana Giulia Stella, OSLA

**Counsel for the Respondent:**

Matthias Schuster, UNICEF  
Alister Cummings, UNICEF

## **Introduction**

1. At the time of the application, the Applicant served as the Supply and Logistics Manager, on a continuing appointment,

tentatively to take place from **8 to 17 March 2022**.

8. For the purpose of the hearing, the Tribunal has preliminarily identified the following witnesses, to be called by the Respondent: (a) Ms. Karago; (b) Mr. Alberta; (c) Ms. Sobczac; (d) Ms. Griet; €Mr. Okumu; (f) Mr. Kagio; (g) Mr. Nyongesa; and (h) Ms. Adam. The Applicant is welcome to testify in his own case.

9. No Case Management Discussion will be held, but the parties are allowed to request in writing additional evidence, if any, on specific issues to be evaluated.

10. In particular, the Tribunal find it useful to hear, if possible, from the other guests attending the meeting when the events at stake occurred (such as the recorder of the videos and others) and invites the parties to verify if these persons consent to appear as witnesses before the Tribunal.

11. The Tribunal will assess the relevance of the testimony to be provided by the proposed witnesses, if any, for the determination of the merits of the case. The Tribunal reserves the right not to call some of the proposed witnesses if it deems that their testimonies are not relevant.

12. Unless exceptional circumstances arise, witnesses based in Nairobi or within commuting distance of Nairobi are expected to give their testimony physically present in the Nairobi Courtroom, in full respect of the applicable preventive sanitary measures and security rules.

13. For the scheduling of the hearing, the parties are instructed to inform the Tribunal about the availability of their witnesses and about the attendance to the hearing (by them and by their witnesses) in person or remotely.

### **Order**

14. In view of the foregoing, the Tribunal makes the following **DIRECTIONS**: By Friday, **11 February 2022**, the parties will provide the Tribunal with their requests, if any, as specified in paras. 9 and 10 and with the information required in para. 13.

Case No. UNDT/NBI/2021/031

Order No. 011 (NBI/2022)

*(Signed)*

Francesco Buffa

Dated this 7<sup>th</sup> day of February 2022

Entered in the Register on this 7<sup>th</sup> day of February 2022

*(Signed)*

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi