
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/031

Order No.: 018 (NBI/2022)

Date: 15 February 2022

Original: English

Before: Francesco Buffa

Registry: Nairobi

Registrar: Abena Kwakye-Berko

Introduction

1. At the time of the application, the Applicant served as the Supply and Logistics Manager, on a continuing appointment, at the Regional Office of the United Nations Children’s Fund (“UNICEF”) in Nairobi, Kenya.

2. On 3 May 2021, he filed an application with the United Nations Dispute Tribunal sitting in Nairobi to challenge the Respondent’s finding of misconduct and decision to separate him from service of the Organization with compensation *in lieu* of notice and termination indemnity.

3. The Respondent filed his reply to the application on 7 June 2021.

4. The Tribunal issued Order No. 011 (NBI/2022) on 7 February 2022, in which the parties were given directions with a view to preparing for an oral hearing of this matter.

5. In compliance with those directions, the parties filed their respective submissions on 11 February 2022.

6. On the same date, the Applicant filed in addition two motions, to introduce (1) (d) 18428719

authority of the Secretary General - declined the invitation by the Respondent to appear in court, that the testimony of Mr. Janc (requested by the Applicant only) is not deemed to be useful, and that other individuals who were guests at the meeting referred to in the challenged disciplinary measure have not been identified.

9. The Tribunal observes that witnesses are requested by the Applicant only and that the Respondent stated he does not want to lead any evidence during the hearing from his witness originally indicated; it follows that witnesses – to be called by the Applicant - will be examined in chief by the Applicant and cross-examined by the Respondent, if the latter so wish.

10. The Tribunal considered also that Counsel are based in New York and sets the agenda of the hearing as follows, taking into account the zones' time differences.

Order

- i. 8 March, at 14.00: Opening statements followed by the Applicant's testimony;
- ii. 9 March, at 14.00: Ms. VA; at 15.00 Mr. CNO;
- iii. 10 March, at 14.00: Mr. GD; at 15.00 Ms. KB;
- iv. 14 March, at 14.00: Ms. GM; at 15.00 Ms. EM;
- v. 15 March, at 14.00: Mr. DK; at 15.00 Ms. AS;
- vi. 17 March, at 14.00: Oral closing submissions.

14.