
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2016/017
Order No.: 200 (NY/2016)
Date: 18 August 2016
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Hafida Lahiouel

BERTRAND

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Nicole Washienko, OSLA

Mariam Munang, OSLA

Counsel for Respondent:

Jonathan Croft, ALS/OHRM, UN Secretariat

Cristiano Papile, ALS/OHRM, UN Secretariat

mitigating factors when making the contested decision and that

Hearing preparations

Scheduling of the hearing

10. Article 16.2 of the Tribunal's Rules of Procedure states that "[a] hearing shall normally be held following an appeal against an administrative decision imposing a disciplinary measure."

11. Having considered the parties' joint submission of 9 August 2016, and in view of art. 16.2 of the Rules of Procedure, the Tribunal finds it appropriate for the fair and expeditious disposal of the case and to do justice to the parties to hold a hearing on the issue of the proportionality of the imposed sanction, as requested by the Applicant.

12. Although it appears that one day would be sufficient to hear the evidence of the three proposed witnesses, the Tribunal will set this case down for two days in the event of any technical difficulties.

Witnesses

13. The Applicant submits that he will provide his own testimony in relation to his prior service and the difficult and stressful working conditions he was under in MINUSTAH at the time of the events in question. The Applicant will also call Mr. IR, former Security Officer of MINUSTAH, who is expected to present oral evidence on the difficult and stressful working conditions in MINUSTAH, understaffed security teams, the pressures faced by security personnel, and the practice on the ground amongst security personnel regarding the carrying of weapons. The Applicant submits that these facts are relevant to the issue of proportionality.

14. The Respondent

the material time, the Applicant worked under his supervision in the Close Protection Unit; that the weapons handling practices that Mr. IR