

Case No.: UNDT/NBI/2024/013  
Order No.: 127 (NBI/2024)  
Date: 18 September 2024

1. The Applicant is a former Movement Control Assistant at the United Nations Mission in the Democratic Republic of Congo. On 10 March 2024, he filed an application contesting the 19 December 2023 decision to impose on him the disciplinary measure of separation from service with compensation in lieu of notice and without termination indemnity pursuant to staff rule 10.2(a)(viii), and to enter his name in the UN ClearCheck database.
2. After consultation with the parties at a case management discussion, the Tribunal scheduled a hearing to be held on 18-19 September 2024 beginning at 10:00 am, Nairobi time (UTC +3).
3. The parties made numerous submissions between 29 August and 5 September 2024. These submissions had to do with the hearing schedule, the availability of witnesses, the calling of an additional witness and the protection of VO1 (whose testimony is anticipated at the hearing).

#### *The Hearing*

4. The Tribunal informed the parties that the Respondent's late request that the hearing commence at 2:00 pm (Nairobi time), coupled with the fact that there will not be simultaneous interpretation (it will be consecutive instead), means that the oral hearing of this matter will take much longer than the two hearing days for which it had been scheduled.
5. The parties were asked to indicate their availability for this hearing in November.

#### *The Investigator*

6. Counsel for the Applicant filed a motion for the investigator in this case to be called to testify.

7. The Tribunal heard the Respondent's objection to the motion, and directed the Applicant to file another motion clearly indicating the specific areas of inquiry for which the investigator is being called.

*VO1*

8. The recent letter from VO1 will remain on the record. The Applicant will have the opportunity to examine the witness on it.

9. With regard to the protection of the witness, the Tribunal directed the Respondent to file a motion indicating what measures are being sought and why.

10. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant will file his motion with regard to the investigator by
- b. The Respondent will respond to the motion on the investigator by
- c. The parties will provide the Registry with the contact details of witnesses testifying on their behalf, in the order of appearance, by
- d. This matter is listed for oral hearing on

*(Signed)*

Judge Sean Wallace

Dated this 18<sup>th</sup> day of September 2024

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Entered in the Register on this 18<sup>th</sup> day of September 2024

*(Signed)*

Wanda L. Carter, Registrar, Nairobi