
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/014
Order No.: 022 (NY/2024)
Date: 22 February 2024
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

DE MELO CABRAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE ~~TET Gd78038.76252~~ 1

Introduction

1. On 5 April 2022, the Applicant, a former staff member of the Office of the

impose on him a disciplinary measure of separation from service with compensation in

and disputed facts and provide the Tribunal with an opportunity to hear the witnesses relevant to these facts.

7. On 17 November 2023, the Respondent filed his submission on evidence pursuant to Order No. 062

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witnesses, three of them being no longer staff members of the United Nations.

8. On 8 December 2023, the Tribunal issued Order No. 139 (NY/2023) noting that the Applicant in his submission dated 14 November 2023 had neither mentioned the witnesses that he wanted to call nor what facts they would support, and directing the Applicant to make a further submission on whether he requests to adduce any additional evidence. The Tribunal further reiterated the instruction for him to state the identity of the witness(es) he wishes to call, if any, and what disputed fact(s) each of

testimony in writing, noting that this written witness statement could also be adopted as the examination-in-chief at a potential hearing if the party leading the witness should wish to do so.

9. The Applicant subsequently requested extension of time to comply with Order No. 139 (NY/2023), which was granted by the Tribunal.

10. On 18 January 2024, the Applicant filed his further submission on evidence which included additional documentation to be disclosed and added to the

proposed that their written testimony be adopted at the time of a hearing, and therefore the Applicant failed to comply with Orders No. 062 (NY/2023) and No. 139 (NY/2024). The Respondent submitted that t
is mostly irrelevant to the facts in issue and that the Respondent
additional evidence, including hearing individuals, on matters that are not relevant to

Considerations

12. The Tribunal notes that the Applicant has failed to properly adhere to directions in Order No. 062 (NY/2023) regarding additional evidence and it is therefore necessary to direct the Applicant to make a further submission.

13.

Respondent that the parties joint statement dated 14 November 2023 establishes that the disputed facts in this case do not amount to material factual disagreement between the parties. The Tribunal additionally notes that the issues arising out of the disputed facts mainly concern a disagreement as to the appropriate legal qualification to be attached to the facts at issue, namely whether the facts established constitute misconduct.

14. The Tribunal notes that among the 15 proposed witnesses, 11 individuals were interviewed by th OIOS and the oral testimony of each of the 11 witnesses has been captured in audio-recordings in the case file. The Tribunal considers that the four remaining proposed witnesses (T.K., M.L.R.V, K. B., and P. G) are not relevant to the facts in issue.

15. As for the additional documentation the Applicant requests to be disclosed, the 2024, sion to adduce additional evidence that did not constitute part of the case file.

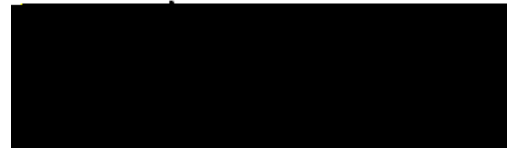
16. Having considered the entire case record, as required under art. 9.4 of the Statute of the Dispute Tribunal (as amended by General Assembly resolution 78/248) and art. 19 of the Rules of Procedure of the Dispute Tribunal,

IT IS ORDERED THAT:

17.

18. By **4:00 p.m. on Thursday, 7 March 2024**, the Respondent is to submit a

19. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.



Judge Joelle Adda

Dated this 22nd day of February 2024

Entered in the Register on this 22nd day of February 2024

A handwritten signature in blue ink, appearing to read 'Isaac Endeley', written over a horizontal line.

Isaac Endeley, Registrar, New York