



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2018-1142, 2018-1145 & 2018-1153

**Harris**  
**(Appellant/Respondent)**

**v.**

**Secretary-General of the United Nations**  
**(Respondent/Appellant)**

**Order No. 325 (2018)**

1. On 15 December 2017, the United Nations Dispute Tribunal (UNDT) in Geneva issued Judgment No. UNDT/2017/094/Corr.1 and Judgment No. UNDT/2017/095/Corr.1 in the cases of *Harris v. Secretary-General of the United Nations*.

2. On 16 January 2018, Mr. Bryan Galakpai Harris filed an appeal of Judgment No. UNDT/2017/094/Corr.1 to the United Nations Appeals Tribunal (Appeals Tribunal) (Case No. 2018-1142), and the Secretary-General filed an answer on 26 March 2018. On 13 February 2018, the Secretary-General appealed the same UNDT Judgment (Case No. 2018-1153). The appeals were consolidated by Order No. 315 (2018) dated 16 April 2018. On 23 January 2018, Mr. Harris filed an appeal of Judgment No. UNDT/2017/095/Corr.1 (Case No. 2018-1145) to which the Secretary-General filed an answer on 26 March 2018. The appeals have originally been set down for hearing in the 2018 Summer Session of the Appeals Tribunal commencing on 18 June 2018 in New York.

3. On 11 April 2018, Mr. Harris filed three motions requesting leave to gather and submit additional evidence and asking for an additional six-month period to seek legal representation. In his motions, Mr. Harris referred to counsel for the Respondent by name. One of these motions also contained the following statement:

To [*name of counsel for the Secretary-General*], and the entire respondent's team, I am humbled by your advanced legal knowledge [*names of universities attended by counsel for the Secretary-General*], will like to publicly state, as an Information

Communication Technology Professional, I'm by no way in challenge of your legal authority, instead pray you'll at some point feel the impact of this ordeal, me and my family will have to suffer for the remain[der] of our li[ves], or perhaps the public opinion to follow.

In his responses to the motions, the Secretary-General requested the Appeals Tribunal to determine whether these remarks conformed to the standards of decorum to which pleadings before the Appeals Tribunal should be held and to take any action that it deemed appropriate to enforce such standards. On 11 May 2018, the Appeals Tribunal issued Order No. 320 (2018) partly granting Mr. Harris' motions and postponing the appeals in Case Nos. 2018-1142, 2018-1145 and 2018-1153 to the 2018 Fall Session of the Appeals Tribunal.

4. On 7 June 2018, the Appeals Tribunal issued Order No. 324 granting Mr. Harris' request for further postponement of the appeals to the 2019 Spring Session of the Appeals Tribunal and directing him to file any amended motions relating to admission of additional evidence in the appeals on or before 31 January 2019.

5. On 21 May 2018, the Secretary-General filed a "Motion requesting the Appellant to refrain from outside communication with the Counsel, in relation to Appeals of UNDT Judgment Nos. 2017/094 and 2017/095". He submits that on 10 May 2018, counsel for the Respondent received a message on her private Facebook Messenger account from an account holder called "Hence Harris" which stated as follows:<sup>1</sup>

We're impressed by your overall effort on the UNAT cases: 2018-1152, 2018-1145 and 2018-1153.

*It's also our prayer no other person will have to undergo the pains and sufferings as evident in these cases, and pray, our families and generations will be proud of the lessons learned.*

May God richly bless you and your entire team.

The Secretary-General further asserts that counsel also received a Facebook "friend" request from the Hence Harris account and another one from an account holder named "Bryan Harris". Counsel did not respond to the 10 May 2018 message and did not accept the two "friend" requests. The Secretary-General submits that contacting counsel for the Respondent on a private messaging platform is inappropriate and should discontinue. He adds that references to the universities attended by counsel for the Respondent, referred to

---

<sup>1</sup> Emphasis added.

in the 11 April 2018 motions is information not readily available on the internet and states that it is unclear how Mr. Harris gathered this information. In light of the aforesaid, the Secretary-General requests the Appeals Tribunal to instruct Mr. Harris to refrain from all communications with counsel for the Respondent other than by way of submissions to the court.

6. On 7 June 2018—the last day of the time limit he was given to file a response to the motion—Mr. Harris filed submissions stating that he was “concerned about the allegation” and “appeal[ing] for more time to fully investigate the issue raised” in the motion. He attached several documents to his submission, including a medical certificate which he requested to be filed under seal.

7. According to Article 4(1) of the Code of conduct for legal representatives and litigants in person (before the UNDT and the Appeals Tribunal),<sup>2</sup> “[l]egal representatives and litigants in person shall maintain the highest standards of integrity and shall at all times act honestly, candidly, fairly, courteously, in good faith and without regard to external pressures or extraneous considerations”. Article 8(1) of the Code of Conduct provides that “[l]egal representatives and litigants in person shall assist the Tribunals in maintaining the dignity and decorum of proceedings and avoiding disorder and disruption”. Article 9 of the Code of Conduct stipulates that “[t]he Tribunals may issue orders, rulings or directions in order to implement the provisions of the (...) Code”.

8. Unsolicited communications on a private messaging platform by a litigant directed at counsel for the opposing party are not in accordance with the dignity and decorum of proceedings before the Appeals Tribunal as provided by Article 8(1) of the Code of Conduct. Moreover, it is inappropriate and does not conform to the required courteous behaviour pursuant to Article 4(1) of the Code of Conduct for a staff member who is a litigant before the Appeals Tribunal to single out and address counsel for the Secretary-General in a private capacity rather than in her role as a representative of the Organization. Communications regarding a pending case other than those directed at a possible amicable settlement, if any, should be directly addressed to the Appeals Tribunal in the prescribed form. The Appeals Tribunal will then, where appropriate, forward these communications to the opposing party.

---

<sup>2</sup> Adopted as Appendix to General Assembly resolution 71/266 on 23 December 2016.

**IT IS HEREBY ORDERED**, in accordance with Article 9 of the Code of conduct for legal representatives and litigants in person, that Mr. Harris is instructed to refrain from all outside communications with counsel for the Respondent other than by way of submissions to the Appeals Tribunal in the proceedings in Case Nos. 2018-1142, 2018-1145 and 2018-1153.

Original and Authoritative Version: English

Dated this 12<sup>th</sup> day of June 2018 in  
Athens, Greece.

*(Signed)*  
Judge Dimitrios Raikos,  
Duty Judge

Entered in the Register on this 12<sup>th</sup> day of  
June 2018 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar