



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

---

Case Nos. 2022-1713 & 2022-1751

**Richard Loto**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**Order No. 517 (2023)**

**Consolidation Order**

1. The United Nations Appeals Tribunal (Appeals Tribunal or UNAT) has before it two appeals filed by Mr. Richard Loto, a former staff member of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).
2. On 15 July 2022, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued Order No. 81 (NBI/2022) in the case of *Loto v. Secretary-General of the United Nations* (UNDT/NBI/2022/002), denying Mr. Loto's motion to strike an audio-recording submitted as evidence by the Secretary-General (Respondent), as well as certain of Respondent's pleadings in reply to Mr. Loto's application before the Dispute Tribunal.
3. On 24 July 2022, Mr. Richard Loto (Appellant) filed an appeal of the foregoing Order with the Appeals Tribunal. On 24 August 2022, the Secretary-General filed his answer. This case was registered as Case No. 2022-1713.
4. On 20 September 2022, the Dispute Tribunal issued Judgment No. UNDT/2022/081 whereby it dismissed Mr. Loto's application challenging his separation from service on disciplinary grounds. On 20 November 2022, Mr. Loto filed an appeal of the UNDT Judgment with the Appeals Tribunal. On 23 January 2023, the Secretary-General filed his answer. This appeal was registered as Case No. 2022-1751.

5. Pursuant to Article 18bis(4) of the Appeals Tribunal Rules of Procedure the President has delegated to me as Presiding Judge for these appeals the power to “... issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”.

6. Given that the interlocutory appeal of Order No. 81 concerns evidence that was subsequently considered in the final UNDT Judgment, which is also under appeal, the Appeals Tribunal considers that it is expeditious to address both appeals in one judgment. I therefore direct that these cases be consolidated for hearing and judgment in the forthcoming session of the Appeals Tribunal.

**IT IS HEREBY ORDERED** that the appeals filed in Case Nos. 2022-1713 and 2022-1751 be consolidated for all purposes.

Original and Authoritative Version: English

Dated this 5<sup>th</sup> day of June 2023  
in Auckland, New Zealand

*(Signed)*  
Judge Graeme Colgan,  
Presiding

Order published and entered in the Register on this  
5<sup>th</sup> day of June 2023 in New York, United States.

*(Signed)*  
Juliet Johnson,  
Registrar