



Before: Judge Francesco Buffa

Registry: Geneva

Registrar: René M. Vargas M.

CONTEH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Joseph Amisi

Counsel for Respondent:

Elizabeth Brown, UNHCR
Francisco Navarro, UNHCR

Introduction

1. By an application filed on 28 March 2018, the Applicant, a former staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), contests the decision to separate him from service with compensation in lieu of notice and without termination indemnity.
2. On 30 April 2018, the Respondent filed his reply.
3. On 13 March 2020, pursuant to Order No. 30 (GVA/2020) of 10 March 2020, the parties filed a list of their potential witnesses.
4. By Order No. 35 (GVA/2020) of 17 March 2020, the parties were required to file:
 - a. Any relevant additional documents;
 - b. The written statements of the witnesses that have only to confirm the interview records or to testify on individual facts; and
 - c. A list of remaining witnesses, if necessary, to be heard on specific facts, to be clearly indicated.
5. On 15 April 2020, the Applicant filed his written statement, the record of his interview with the Inspector General’s Office (“IGO”), his response to the findings of the IGO investigation, and his UNHCR Fact Sheet.
6. The same day, the Respondent filed the written statements of all the witnesses indicated in his 13 March 2020 submission.
7. The Applicant proposed only Mr. Larmie Sanyon, former Administrative/Finance Officer based at Kakuma, Kenya, as a potential witness indicating that he would testify “about the general working and living conditions at Kakuma during the Applicant’s deployment there and the Applicant’s [...] professional behaviour at work”. This witness was neither listed in either of the 13 March 2020 filings referred to in para. 3 above, nor were specific facts yet to be clarified by him indicated in the Applicant’s 15 April 2020 submission.

Consideration

8. Having examined the evidence on record to date, the Tribunal finds that the case is briefed enough and that the matter can be determined without holding a hearing. Therefore, the case can proceed to the filing of closing submissions.

9. Considering the nature of the dispute, the parties, who may address in their closing submission any issue they find relevant for the ruling in this case, are requested to specifically focus on the following points:

a. Whether and under which circumstances activities undertaken in private life, in a social context and outside of the work environment can be relevant for the imposition of disciplinary measures, and whether or not the facts mentioned in para. 44 of the investigation report (as the basis of the disciplinary measure imposed on the Applicant) had specific consequences on the work activities and on the work environment; and

b. Whether the sanction imposed is proportional to the offence allegedly committed in the present case.

Conclusion

10. In view of the foregoing, it is ORDERED THAT by **Friday, 11 September 2020 (COB Geneva time)**, the parties shall file their respective closing submission.

(Signed)

Judge Francesco Buffa

Dated this 14th day of August 2020

Entered in the Register on this 14th day of August 2020

(Signed)

René M. Vargas M., Registrar, Geneva