



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

NKOYOCK FILS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Sètondji Roland Adjovi, Etudes Vihodé

**Counsel for Respondent:**

Miryoungh An, AAS/ALD/OHR, UN Secretariat  
Albert Angeles, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 24 December 2020, the Applicant, a staff member at the United Nations Office of Counter Terrorism (“UNOCT”), Vienna, filed an application contesting the decision dated 23 September 2020 by the Under-Secretary General for Management Strategy, Policy and Compliance (“USG/DMSPC”) to sanction him for misconduct for allegedly creating a hostile, offensive, and humiliating work environment for four staff members at the Department of Software Products for Member States (“SPMS”).
2. The disciplinary sanction consisted of a loss of three steps in grade, and deferment for three years of eligibility for consideration for promotion in accordance with staff rule 10.2(a)(ii) and (vi), together with a requirement to attend on site or online interactive training on workplace civility and communication details of which would be decided upon by UNOCT. In the same filing, the Applicant submitted a motion for a hearing and proposed to call eleven witnesses.
3. On 28 January 2021, the Respondent filed his reply.
4. On 29 April 2021, the Applicant filed a motion for production of evidence.
5. On 5 May 2021, the Respondent filed its response objecting to the aforementioned motion.
6. On 24 May 2022, the instant case was assigned to the undersigned Judge.
7. By Order No. 60 (GVA/2022), the Tribunal instructed:
  - a. The parties to inform it whether a hearing is warranted, to provide a list of potential witnesses, if any, explaining the relevance of each testimony for the determination of the issues in dispute; and
  - b. The Applicant, to provide detailed justification for the production of the OIOS’ “0019/020 investigation report”.

8. In response to Order No. 60 (GVA/2022), on 13 June 2022 the Respondent submitted that an oral hearing is not needed because there is no material dispute about the facts. With respect to a potential list of witnesses, the Respondent provided the names of the complainants and the witnesses whose evidence was referred to as part of the basis of the factual findings in the investigation. On the same date, the Applicant submitted that a hearing is warranted, explained the relevance of each testimony he required, and provided a detailed justification for the production of the investigation report by OIOS.

### **Consideration**

9. The Applicant submits that OIOS' investigations report 0019/020, 0413/019, and 0847/020, are relevant to the instant case because they would establish that the complainants were themselves motivated by retaliation against him, thus rendering improper and unreliable their complaints of abuse of authority and workplace harassment. On the other hand, the Respondent objects to the motion claiming that the report is irrelevant as there are no links between the facts of the separate investigations.

10. Having examined the parties' submissions, the Tribunal finds that it can only decide on the relevance of said reports after it properly examines them.

11. Therefore, the Respondent is instructed to file on an *ex parte* basis a copy of the three investigations reports by OIOS, namely 0019/020, 0413/019, and 0847/020, together with their respective annexes. Upon examination of the reports, the Tribunal will rule on the matter of their relevance to the fair disposition of the instant case, and on the holding of a hearing.

### **Conclusion**

12. In view of the foregoing, it is ORDERED THAT **the Respondent shall file *ex parte*, the investigations reports referenced in paragraph 11 above by Friday, 1 July 2022.**

(Signed)

Judge Teresa Bravo

Dated this 24<sup>th</sup> day of June 2022

Case No. UNDT/GVA/2020/060

Order No. 68 (GVA/2022)

Entered in the Register on this 24<sup>th</sup> day of June 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva