



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

NKOYOCK

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Setondji Roland Adjovi

**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”), United Nations Office on Drugs and Crime (“UNODC”), between 2015 and 2018.
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.
3. Together with his 24 December 2020 application, the Applicant submitted a motion for a hearing and proposed to call 11 witnesses.
4. On 28 January 2021, the Respondent filed his reply.
5. On 29 April 2021, the Applicant filed a motion for production of evidence.
6. On 5 May 2021, the Respondent responded to the Applicant’s motion objecting to it.
7. On 24 May 2022, the instant case was assigned to the undersigned Judge.
8. 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” referred to in his above-mentioned motion.

9. 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 respective investigation.

10. On the same date, the Applicant submitted that a hearing is warranted, explained the relevance of each testimony he required, provided a detailed justification for the production of OIOS investigation report 0019/20, and submitted a motion for production of evidence of OIOS investigation reports 0413/19 and 0847/20.

11. By Order No. 68 (GVA/2022), the Tribunal instructed the Respondent to file on an *ex parte* basis a copy of the three investigation reports requested by the Applicant so that it could rule on their relevance.

12. On 1 July 2022, the Respondent submitted the reports in compliance with Order No. 68 (GVA/2022) above.

13. By Order No. 77 (GVA/2022) of 4 August 2022, the Tribunal rejected the motion for production of evidence of investigation report 0019/20, and partially granted the motion for investigation reports 0413/19 and 0847/20 by only disclosing the findings therein to the Applicant. Through the same Order, the Tribunal granted the Applicant five days to provide his comments, if any, in relation to the aforementioned disclosure, and informed the parties that past that deadline, it would rule on the matter of the hearing.

14. On 10 August 2022, the Applicant filed his response to Order No. 77 requesting reconsideration of the Tribunal's ruling regarding his motion for production of evidence.

15. By Order No. 78 (GVA/2022) of 19 August 2022, the Tribunal denied the Applicant's requests for reconsideration of Order No. 77 and for a hearing. Accordingly, the Tribunal informed the parties that the case will be decided on the papers and instructed them to file closing submissions by 29 August 2022.

16. On 23 August 2022, the Respondent filed a motion for extension of time to file his closing submissions.

### **Consideration**

17. In support of his motion for extension of time, Counsel for the Respondent informed that he is on certified sick leave and unable to comply with the deadline set in Order No. 78. He also claims that he has been handling the case since the disciplinary process, thus well-versed in its nuances and in the best position to complete the submission, whereas the Co-counsel has only been recently engaged to assist him.

18. Having reviewed the Respondent's motion, considering the circumstances explained therewith, and for a fair and expeditious disposal of the case, the Tribunal grants the requested extension of time until 6 September 2022.

19. Considering that the parties must benefit from similar procedural rights and obligations, pursuant to the principle of equality of arms, the Tribunal finds it appropriate to equally extend the deadline for the Applicant to file his closing submission.

### **Conclusion**

20. In view of the foregoing, it is ORDERED THAT the parties shall file their closing submission **by Tuesday, 6 September 2022.**

*(Signed)*

Judge Teresa Bravo

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

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

*(Signed)*

René M. Vargas M., Registrar, Geneva