



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/177 &
179
Order No.: 425 (NBI/2016)
Date: 31 August 2016
Original: English

Before: Judge Goolam Meeran

Registry: Nairobi

Registrar: Abena Kwakye-Berko

AWE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**CASE MANAGEMENT ORDER AND
NOTICE OF CASE MANAGEMENT
DISCUSSION**

Counsel for the Applicant:
Self-Represented

Counsel for the Respondent:
Steven Dietrich, ALS/OHRM
Nicole Wynn, ALS/OHRM

Introduction

1. The Applicant is a Resident Auditor in the Office of Internal Oversight Services. He serves at the P4 level, and is based in Bamako, Mali.

The Applications

2. On 1 December 2015, the Applicant filed an Application (UNDT/NBI/2015/177) contending that the Respondent's decision, following the outcome of the investigation of his allegations pursuant to ST/SGB/2008/5 (Prohibition of Discrimination, Harassment, including Sexual Harassment and Abuse of Authority), was flawed in that it failed to grant him a remedy for the harm caused to him, and the administration failed to provide him with a prompt and efficient internal means of redress. He also alleged that there were other procedural irregularities.

3. On 7 December 2015, the Applicant filed another Application, (UNDT/NBI/2015/179) also relating to the outcome of his complaint challenging the procedural impropriety of the Respondent's actions following the outcome of the investigation into his complaint, which he contends was prejudicial to his rights to be provided with a prompt and efficient means of redress.

IT IS ORDERED THAT:

4. The following Motions be deferred pending a Case Management Discussion (CMD):

- a) The Applicant's Motion dated 15 February 2016 seeking production of the Fact Finding Panel's Reports dated 20 February 2015 and 24 March 2015, as well as correspondence between the Special Representative of the Secretary General and the Panel; and

- b) The Respondent's Motion dated 11 March 2016 for Consolidation of the two cases (2015/177 and 2015/179).

5. The Parties are to attend a CMD on **Thursday, 15 September 2016 at 1400hrs (Nairobi time)** to:

- a) Clarify the claims and issues in the cases;
- b) Consider whether any further particulars are required from either Party;
- c) Consider what further documents, if any, are to be disclosed; and
- d) Consider whether or not consolidation would be appropriate under the circumstances.

6. The Parties are to consider whether, given the circumstances of this case, Alternative dispute resolution (ADR) should be explored; in which event, a joint motion should be filed prior to the CMD;

7. The Tribunal considers that the Applicant may wish to seek the assistance of the Office of Staff Legal Assistance (OSLA) in the further preparation and conduct of this case. Information on legal assistance is available at <http://www.un.org/en/oaj/legalassist/howto.shtml>.

8. The Tribunal **DIRECTS** service of the present Order on OSLA.

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Order No. 425 (NBI/2016)

(Signed)

Judge Goolam Meeran

Dated this 31st day of August 2016

Entered in the Register on this 31st day of August 2016

(Signed)

Eric Muli, for

Abena Kwakye-Berko, Registrar, Nairobi