



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/177  
UNDT/NBI/2015/179  
Order No.: 464 (NBI/2016)  
Date: 26 October 2016  
Original: English

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**Before:** Judge Goolam Meeran

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

AWE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER FOR FURTHER  
PARTICULARS**

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**Counsel for the Applicant:**  
Self-Represented

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

## **Introduction**

1. The Applicant is a Resident Auditor in the Office of Internal Oversight Services (OIOS). He serves at the P-4 level, and is based in Bamako, Mali.

## **The Applications**

2. At the time of the Applications, the Applicant was the OIOS Chief Resident Auditor at the United Nations Assistance Mission for Iraq (UNAMI).

3. 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 an effective remedy for the harm caused to him, and that the administration failed to provide him with a prompt and efficient internal means of redress. He also alleged that there were other procedural irregularities.

4. On 7 December 2015, the Applicant filed another Application, (UNDT/NBI/2015/179) also relating to the outcome of his complaint challenging the alleged procedural impropriety of the Respondent's actions but referring to particular matters, including failures to deal promptly with certain issues relating to Ms. Yasin, the UNAMI Chief of Mission Support at the time, following the outcome of the investigation into his complaint, which he contends was prejudicial to his rights as a staff member to be provided with a prompt and efficient means of redress.

5. On 31 August 2016, the Tribunal issued Order No. 425 (NBI/2016) setting this matter down for a case management discussion (CMD) to discuss the claims and issues raised in these separate claims and to deal with the Respondent's

motion for combined proceedings and the Applicant's motion for disclosure of the reports of the Fact Finding Panel.

6. The CMD took place on 15 September 2016.

7. On 19 September 2016, the Tribunal issued Order No. 435 (NBI/2016) summarising the contents of the CMD and required both Parties to disclose several relevant documents.

8. The Respondent complied with the Order, as directed, and the relevant documents were filed on 27 September 2016.

**IT IS ORDERED THAT:**

9. On or before **31 October 2016:**

- a) The Respondent provides the Tribunal with the unredacted record of the Fact Finding Panel's interview with Ms. Yasin. A copy of this record must also be made available to the Applicant, but may be redacted to remove the names of any person not directly implicated in this case;
- b) The Respondent informs the Tribunal of the current position with regard to the Applicant's complaint against Ms. Yasin indicating in particular what, if any, steps have been taken in respect of the Panel's findings relating to Ms. Yasin's conduct and identifying the person(s) charged with the responsibility of taking a decision in this matter;
- c) The Respondent explain the reasons for the delay and indicate when the process is likely to be concluded;
- d) The Respondent state whether:

- i. the relevant minute, or a note relating to it, was placed on the Applicant's personnel file and if so the date that it was placed and by whose direction or instruction;
- ii. the Fact Finding Panel's Report, which was sent to the Special Representative of the Secretary-General (SRSG) Mladenov on 20 February 2015, is identical in all respects to the report that was used by SRSG Kubis in making his decision and which was subsequently filed with the Tribunal. If the reports are not identical, or if any other document/s were attached to the Report considered by SRSG Kubis, the same is to be filed with the Tribunal, unredacted, with a redacted copy to the Applicant.
- iii. SRSG Kubis had any discussion with, or consulted, any person/s in order to carry out his task of evaluating the Report of the Fact Finding Panel prior to making a decision on the appropriate course to adopt. If any such discussion had taken place, to identify the person/s indicating the purpose of such discussions;
- iv. SRSG Mladenov or SRSG Kubis had, or are expected to have, any discussion with the person(s) dealing with the complaint made against Ms Yasin.

*(Signed)*

Judge Goolam Meeran

Dated this 26<sup>th</sup> day of October 2016

Entered in the Register on this 26<sup>th</sup> day of October 2016

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi