



**Before:** Judge Teresa Bravo  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

THIARE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE FILING OF  
CLOSING SUBMISSIONS BY THE  
PARTIES**

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

**Counsel for the Respondent:**  
Elisabeth Gall, AAS/ALD/OHR  
Susan Maddox, AAS/ALD/OHR

## **Introduction**

1. The Applicant is a former Security Officer at the FS-4 level, working with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”) in Kinshasa.
2. On 12 December 2018, he filed an application before the Dispute Tribunal contesting the disciplinary measure of dismissal imposed on him due to misconduct.<sup>1</sup>
3. The Respondent filed a reply on 18 January 2019.
4. The Tribunal held a case management discussion (“CMD”) on 15 June 2020 in order to clarify the parties’ positions. It transpired at the CMD that the Applicant admits all the facts of the case and only contests the proportionality of the sanction. Accordingly, the parties agreed that there is no need for a hearing; rather the parties shall file closing submissions.

## **ORDERS**

5. In light of the above, the Tribunal directs the parties to file their closing submissions as follows:
6. The Applicant shall file the submissions addressing the following questions:
  - a. Whether the Applicant communicated to his superiors about the threat caused to him by Mr. Togena; if yes, when and how;
  - b. Why he didn’t appeal to Mr. Ian Sinclair instead of signing the letter himself;
  - c. If the Applicant was afraid of being arrested by the Military Prosecutor, why he went to the latter’s private residence, without even an escort; and

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<sup>1</sup> Application, section V.

- d. The Applicant to state his socio-economic conditions following the contested decision.
7. The Respondent shall address the following questions:
- a. Whether the Mission was aware of the problems between the Applicant and Mr. Togena;
  - b. Whether the Mission has taken any disciplinary measure against Mr. Togena;
  - c. Why did Mr. Seth Levine halt the sending of the letter to the Military Prosecutor; and
  - d. How did the Applicant's action of signing the letter affect the Mission?
8. The parties shall file their closing submissions by **5.00 pm (Nairobi time) on 10 July 2020.**

*(Signed)*

Judge Teresa Bravo

Dated this 16<sup>th</sup> day of June 2020

Entered in the Register on this 16<sup>th</sup> day of June 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi