



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2019/033  
Order No.: 179 (NBI/2020)  
Date: 16 September 2020  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

KUATE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Jean-Jacques Kouembeu Tagne

**Counsel for the Respondent:**

Nicole Wynn, AAS/ALD/OHR

Rosangela Adamo, AAS/ALD/OHR

## **Introduction**

1. The Applicant is a Conduct and Discipline Officer at the P-3 level, working with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”).<sup>1</sup>
2. By an application filed on 22 March 2019, the Applicant challenges a decision to make deductions from his salary to be paid to his wife to satisfy child support obligations since November 2015 to present and recoveries of other related entitlements made by the Organization.<sup>2</sup>
3. The Applicant’s case is that MONUSCO’s decision to deduct his salary was based on a non-final court judgment and or on a non-authentic court decision. On 18 October 2017, he appealed divorce Judgment No.730 before the Littoral Court of Appeal in Cameroon. Accordingly, MONUSCO based its decision to deduct his salary on Judgment No. 730 which was not final.
4. The Respondent filed a reply on 26 April 2019 in which it is argued that the contested decisions were lawful. The Respondent states that the Applicant was repeatedly requested to submit evidence of the outcome of his appeal against Judgment No. 730, but to no avail.

## **ORDERS**

5. In light of the above, the Tribunal
  - a. Directs the Applicant to state the result of appeal in Judgment No. 730 and file a copy of the appellate judgment or any other court decision finally disposing of that case;
  - b. The submissions required under point (a) above shall be filed by **5.00**

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

<sup>2</sup> Application, section V.

**pm (Nairobi time) on 30 September 2020;**

c. Failure to make the required submission within the specified deadline will be considered as failure to prove that Judgment No. 730 has been effectively challenged and thus for the purpose of these proceedings will be presumed that it became final.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

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

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

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi