



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2019/033  
Order No.: 230 (NBI/2020)  
Date: 23 November 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 Respondent filed a reply on 26 April 2019 in which it is argued that the contested decisions were lawful.
4. The Tribunal noted lack of clarity regarding the court decision(s) based upon which the Respondent proceeded with the deductions. In response to Order No. 190 (NBI/2020), the Respondent clarified that certain communications directed to the Applicant had been made in error. As a follow up, the Tribunal requests further clarifications.

## **ORDERS**

5. The Respondent is required to explain:
  - a. on what basis the Respondent considered that Judgment No 730 (the first instance divorce judgement) was enforceable despite having been appealed, in relation to (a) custody over the children and (b) separation of the spouses;
  - b. whether or not the fact that the Organization considered the Applicant lawfully separated as of the date of Order No. 791 issued by the Tribunal de

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

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

Grande Instance du Wouri in Cameroon on 25 November 2015 (para. 32 of the reply) had an impact on the amount of deductions made on account of dependency for the period between the date of Order No. 791 and the finality of divorce decision.

6. The Applicant is required to explain and demonstrate what was the result of an appeal filed against Order 791.

7. The submissions required as stated above shall be filed by **5.00 p.m. (Nairobi time) on 4 December 2020.**

8. The Tribunal shall hold a case management discussion **on 8 December 2020 at 11.00 a.m. (Nairobi time).**

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 23<sup>rd</sup> day of November 2020

Entered in the Register on this 23<sup>rd</sup> day of November 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi