



Before: Judge Francis Belle
Registry: Nairobi
Registrar: Abena Kwakye-Berko

NIGAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Angela Arroyo, UNDP

Introduction

1. The Applicant is a staff member of the United Nations Development Programme. He serves at the D-1 level on a fixed-term appointment, and was the Resident Coordinator and Resident Representative in Riyadh, Saudi Arabia, at the time of the application.

2. On 23 July 2020, the Applicant filed an application with the United Nations Dispute Tribunal sitting in Nairobi to challenge the Respondent's decision to not disclose the report of the investigation into his conduct, in which he was exonerated, but which he contends was conducted on the basis of malicious complaints by two staff members. The investigative process resulted in him being harassed and subject to undue stress and pressure. Further, the Applicant contends, his own complaints into the conduct of the two staff members should have been subject to the same investigative rigours that were meted out to him.

3. The Respondent filed his reply on 2 September 2020. The Respondent takes the position that the application is partly not receivable because it is time barred. The Respondent also contends that the decision to not disclose the investigative materials was proper and lawful, and that the decision to close the Applicant's allegations of a malicious complaint was also proper.

4. On 4 September 2020, the Applicant sought leave to respond to the Respondent's reply.

Considerations and Order

5. As a preliminary matter, the Tribunal GRANTS the Applicant's motion to respond to the Respondent's reply. The Applicant should file his rejoinder by **Thursday, 13 May 2021**.

6. The Tribunal is also of the view that the services of counsel will assist the Applicant and the Tribunal in the management and conduct of this case. To this end, the Applicant is advised to seek legal counsel for the conduct of his case.

Information on legal assistance is available at <https://www.un.org/en/internaljustice/osla>.

7. The Tribunal considers that a case management discussion (“CMD”) would facilitate fair, efficient and expeditious management and disposal of this case.

8. A CMD will take place on **Friday, 14 May 2021 at 1430hrs (Nairobi time)** using Microsoft Teams. At the CMD, the Tribunal and the parties will:

- a. Ascertain whether the parties are amenable to this matter being resolved *inter partes*;
- b. Identify the factual and legal issues to be determined;
- c. Consider if the case may be decided on the basis of the parties’ written submissions; and
- d. Discuss any other matter relevant to these proceedings.

9. The Tribunal also DIRECTS the IMMEDIATE service of the present Order on the Office of Staff Legal Assistance to facilitate the process.

10. As this CMD is being held virtually, the parties are requested to provide the Registry with their contact details by **12 May 2021**.

(Signed)

Judge Francis Belle

Dated this 6th day of May 2021

Entered in the Register on this 6th day of May 2021

(Signed)

Abena Kwakye-Berko., Registrar, Geneva