



**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. The Tribunal issued Order No. 093 (NBI/2021) granting this motion, and setting this matter down for a case management discussion. The Tribunal also advised the Applicant to seek the assistance of counsel.

5. The Applicant filed his submissions on 13 May 2021.

6. The case management discussion took place, as scheduled, on 14 May 2021.

## **The Discussion**

7. On the matter of representation by counsel, the Applicant informed the Tribunal that he was not reassured of adequate support by the Office of Staff Legal Assistance ("OSLA"), and felt that he could effectively represent himself.

8. Both parties indicated that their respective positions in this dispute are too far apart for settlement discussions to be effective.

9. The Respondent maintains that there are serious questions of receivability that need to be determined, so that what is left to be determined on the merits can be properly delineated. Counsel for the Respondent sought time for instructions on whether he needs to respond to the Applicant's latest submissions.

10. The Applicant contends that disclosure of the report of the investigation against him is necessary to protect his reputation and integrity, both of which have been adversely affected by the malicious complaints and investigative process as a whole.

11. The Applicant takes the position that an oral hearing will be necessary for proper adjudication of this matter. The Respondent's position is that this matter can be effectively decided on the basis of the parties' written submissions.

### **Considerations and Order**

12. The Tribunal directs the Respondent to file any further submissions he may have on receivability by **21 May 2021**.

*(Signed)*

Judge Francis Belle

Dated this 21<sup>st</sup> day of May 2021

Entered in the Register on this 21<sup>st</sup> day of May 2021

*(Signed)*

Abena Kwakye-Berko., Registrar, Geneva