



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2019/145  
Order No.: 108 (NBI/2021)  
Date: 26 May 2021  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

SALEM

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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

**Counsel for the Respondent:**  
Esther Shamash, UNDP

## Introduction

1. On 17 October 2019, the Applicant, a former Programme Analyst, at the G-7 level, working with the United Nations Development Programme in Djibouti, filed an application before the Dispute Tribunal.<sup>1</sup> He contests the disciplinary measure of separation from service with compensation in lieu of notice and with two months' salary as termination indemnity.<sup>2</sup>

2. The Respondent filed a reply on 7 November 2019.

3. The Tribunal held a case management discussion ("CMD") on 25 May 2021. It was established that:

- a. The Applicant posits that his admission to hitting his adversary was in the context of self-defence;
- b. The Applicant wishes to confront the account of events given by Messrs. Ahmed Elmi, Omar Mohamed Mayoub and Gamil Abdo during the investigation;
- c. The Applicant will file a brief describing the inconsistencies and incoherence of the investigative statements of the witnesses named above, upon which it will be determined whether a hearing is necessary;
- d. The parties agree that the statements of Messrs. Artan Said and Hassan Ali are to be accepted as truthful and complete, and hearing of these persons is not necessary;
- e. The Respondent cannot produce the recording of CCTV requested by the Applicant as it had been improperly removed by another employee; and
- f. The Respondent disciplined the Applicant's adversary, Mr. Elmi, for verbal harassment. The investigation, however, into the filing of a false medical certificate was closed.

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

<sup>2</sup> Application, annex 1.

**ORDERS**

4. On or before 1 June 2021, the Applicant will file a brief indicating inconsistencies/incoherence regarding the statements of witnesses mentioned in para 3b. The brief will not be more than three pages.
5. On or before 8 June 2021, the Respondent may file a response to the Applicant's brief.
6. As soon as practicable, the Respondent shall confirm the availability of the same witnesses to testify, should the need arise.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart  
Dated this 26<sup>th</sup> day of May 2021

Entered in the Register on this 26<sup>th</sup> day of May 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi