



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/075
Order No.: 193 (NBI/2021)
Date: 20 September 2021
Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MILLAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé*
Charles A. Adeogun-Phillips, Charles Anthony LLP

Counsel for the Respondent:

Romy Batrouni, AAS/ALD/OHR, UN Secretariat
Jacon van de Velden, AAS/ALD/OHR, UN Secretariat

Background

1. On 11 September 2020, the Applicant filed an application challenging two decisions:
 - a. The 1 July 2020 decision to place him on Administrative Leave Without Pay (“ALWOP”).
 - b. The 30 June 2020 decision to seize the Applicant’s personal smartphone for the purposes of an investigation.
2. On 15 September 2020, he filed an application for suspension of the contested decisions pursuant to art. 10.2 of the Statute and art. 14.1 of the Rules of Procedure of the Tribunal.
3. The Respondent filed a reply to the application for suspension of action on 17 September 2020.
4. On 9 September 2020, the Judge then seized of the case issued Order No. 185 (NBI/2020) in which the application was granted in part, in that implementation of the impugned decision was suspended with respect to placing the Applicant on ALWOP. In the remaining part, the application was dismissed.
5. The Respondent filed a reply on the merits of the application on 15 October 2020.
6. The case was assigned to the current Judge on 10 June 2021.

ORDERS

7. The Tribunal shall hold a case management discussion (“CMD”) commencing at 1500 hours (Nairobi time) on 5 October 2021 via video conferencing, details of which will be transmitted to the parties by the Registry. At the CMD, the parties should be fully prepared to discuss the following:

- a. The essence of the claim and the core issues requiring factual determination by the Tribunal;
 - b. Relevant jurisprudence and administrative issuances the Tribunal should take into consideration;
 - c. Any motions that require immediate judicial intervention; and
 - d. Whether the case may be decided on the documents or whether an oral hearing is necessary.
8. Should the parties deem a hearing to be necessary, they should be able to:
- a. Identify the witnesses to be called and provide a synopsis of their anticipated evidence;
 - b. Agree on a date to file a paginated, agreed bundle of documents that will be referred to by the witnesses during the hearing; and
 - c. Agree on dates for a hearing.

(Signed)

Judge Margaret Tibulya

Dated this 20th day of September 2021

Entered in the Register on this 20th day of September 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi