



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/070
Order No.: 211 (NBI/2021)
Date: 5 October 2021
Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ANTOINE

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 31 August 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. Pursuant to Order No. 162 (NBI/2020), the Applicant filed an amended application on 2 September 2020. He also 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 3 September 2020.

4. On 9 September 2020, the Judge then seized of the case issued Order No. 172 (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 2 October 2020.

6. The case was assigned to the current Judge on 10 June 2021.

7. The Tribunal held a case management discussion (“CMD”) on 4 October 2021. During the CMD, the Applicant requested an oral hearing of the case and informed the Tribunal that he wished to call Mr. Ben Swanson, who was at the time of the contested decision the Director of the Investigations Division of the Office of Internal Oversight Services (“OIOS”), to be heard as a witness.

8. The Tribunal decided that it will hold an oral hearing and that this case should be heard at the same time as Case No. UNDT/NBI/2020/075 which arises from the same facts.

ORDERS

9. The Tribunal shall hold a combined hearing on the merits for this case and for Case No. UNDT/NBI/2020/075 at a date to be communicated to the parties by the Registry.

10. The Applicant shall file a brief submission on the evidence sought to be adduced from Mr. Swanson by 8 October 2021.

11. The parties shall file a paginated, agreed bundle of documents that will be referred to by the witness during the hearing by 11 October 2021.

(Signed)

Judge Margaret Tibulya

Dated this 5th day of October 2021

Entered in the Register on this 5th day of October 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi