



**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

HALIDOU

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**

**ON CASE MANAGEMENT**

---

**Counsel for Applicant:**  
Sètondji Roland Adjovi

**Counsel for Respondent:**  
Matthias Schuster, ALD/OHR, UN Secretariat  
Susan Maddox, ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant, a former Security Officer with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”), contests the decision to separate him from service with compensation in lieu of notice and with termination indemnity for allegedly physically assaulting a security guard employed by a locally contracted security company. The decision was notified to the Applicant on 23 December 2016, and the Applicant was separated on 3 February 2017. The Applicant admits that he gave “a little slap” to the security guard, but claims that the security guard exaggerated the extent of the alleged injury and that the testimonies of two alleged eyewitnesses interviewed in the course of the investigation were not credible. The Applicant further claims that the disciplinary measure was disproportionate and that mitigating circumstances were ignored.

2. In response, the Respondent submits that the facts on which the disciplinary measure was based are established by clear and convincing evidence, that those facts amount to misconduct, that the disciplinary measure was not disproportionate, and that the Applicant’s procedural fairness rights were respected.

## **Consideration**

3. The Applicant claims in his application, among other things, that contrary to the decision letter of 15 December 2016 which stated that “[t]his conclusion is based on signed and written statements by you yourself, Mr. Gagnan and by two eye witnesses, Mr. Senerisse and Mr. Banengei”, these two alleged eye witnesses actually did not witness the incident and that the Administration therefore committed a factual error in its decision and breached the Applicant’s right to procedural fairness.

4. The Tribunal notes that according to the interview records of the Applicant and the Security Assistant, which were conducted by the MINUSCA Special Investigation Unit (“SIU”), the two security guards who were present during the incident were Mr. Maurice Yadendji and Mr. Joseph Yaderendji, not Mr. Senerisse

and Mr. Banengei. The MINUSCA SIU did not interview Mr. Yadendji and Mr. Yaderendji.

5. Under the jurisprudence of the Appeals Tribunal, the Dispute Tribunal can rehear witnesses and gather additional evidence to examine and assess whether the standard of proof has been met (see *Nadasan* 2019-UNAT-918, paras. 39-40).

6. In light of the Applicant's claim that there was a breach of procedural fairness, the Tribunal finds it necessary to hear from Mr. Yadendji and Mr. Yaderendji, two security guards who witnessed the incident.

IT IS ORDERED THAT:

7. By **4:00 p.m., Tuesday, 1 October 2019**, the Respondent is to confirm and list the available dates of Mr. Maurice Yadendji and Mr. Joseph Yaderendji for a hearing between mid-October and mid-November 2019.

8. By **4:00 p.m., Tuesday, 1 October 2019**, both parties are to inform the Tribunal whether or not the parties wish to call any other witnesses. If the answer is yes, the parties are to confirm the name of these witnesses, indicating why their testimonies would be relevant, and list the available dates of each witness during the above-mentioned period.

(Signed)

Judge Joelle Adda

Dated this 12<sup>th</sup> day of September 2019