



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NY/2021/029  
UNDT/NY/2021/030  
Order No.: 118 (NY/2021)  
Date: 6 December 2021  
Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

TOSON

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Katrina Waiters, UNFPA

## **Introduction**

1. This order relates to two related applications filed by the Applicant, a staff member of the United Nations Population Fund (“UNFPA”). The applications relate to an investigation by UNFPA’s Office of Audit and Investigation Services (“OAIS”) pursuant to the Applicant’s complaint of retaliation against his supervisor. The two applications can be summarized as follows:

- a. On 17 April 2021, the Applicant filed an application contesting the determination by the Executive Director, UNFPA, dated 16 October 2020, that there was no finding of retaliation following an investigation by OAIS into the Applicant’s complaint. Specifically, the Applicant identified the specific administrative decision which he is challenging as determination by the Executive Director that: “(a) there is no finding of retaliation in this matter. The Organization considers this matter closed; (b) the Organization’s Division for Human Resources will seek guidance from the Office of the Ombudsman for the United Nations Funds and Programmes on strategies to promote a harmonious working relationship between Applicant and [his] supervisor.”

This case was initially registered in the Nairobi Registry and transferred to the New York Registry on 19 July 2021, where it was assigned Case No. UNDT/NY/2021/029;

- b. On 2 March 2021, the Applicant filed an application challenging the decision of OAIS, UNFPA to not provide the Applicant with a copy of investigation report associated with the Applicant’s complaint of retaliation.

This case was initially registered in the Nairobi Registry and transferred to the New York Registry on 19 July 2021 where it was assigned Case No. UNDT/NY/2021/030.

2. The Respondent duly filed replies in both of the above-mentioned cases submitting that the applications had no merit, and each case should be dismissed in its entirety.

### **Consideration**

3. The Tribunal notes that both cases concern decisions relating to the Applicant's complaint of retaliation against his supervisor following an investigation by OAIS. Given the common factual background to Case No. UNDT/NY/2021/029 and Case No. UNDT/NY/2021/030, the Tribunal considers that it would be in the interests of justice and judicial economy to consolidate these cases through an order for combined proceedings.

4. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and for a fair disposal of the case, the Tribunal considers it appropriate to direct the Applicant to file a further submission.

5. In light of the above;

### **IT IS ORDERED THAT:**

6. Case No. UNDT/NY/2021/029 and Case No. UNDT/NY/2021/030 are consolidated.

7. By **4:00 p.m., on Wednesday, 22 December 2021**, the Applicant is to file a response to the Respondent's replies in the consolidated cases. The submission is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing.

*(Signed)*

Judge Joelle Adda

Dated this 6<sup>th</sup> day of December 2021