

r: na Kwakye-Berko

ONIFADE

SECRETARIAL
OF THE

**ORDER ON APPLICATION
FOR PRODUCTION OF**

for the Applicant:
ileris

for the Respondent:
ldox, ALS/OHRM

7. Article 18.5 states that the Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value.

8. The Applicant's requests are to be assessed against the test of relevance to the issues in the case and the probative value of the requested evidence. In other words, would the evidence, if admitted, tend to prove or disprove an alleged fact or issue.

9. The first request is for the Tribunal to order the production of evidence from Mr. Michael Stefanovic, Director of Investigation, Investigation Division of the Office of Internal Oversight Services (ID/OIOS) where he requested both Chiefs of the Conduct and Discipline Team (CDT) and OIOS at UNMISS to separately launch an investigation into the Applicant's case.

10. This request is made by the Applicant in the context of his challenge to the operational independence of OIOS and an allegation "that the initiation of the investigation and the entire process, including the gathering of witness testimony, was unnecessary and born out of malice, ill will, and abuse of authority, and that the investigation and findings were tainted by prejudice".

11. The joint statement of facts states, in summary, that OIOS received a complaint of possible misconduct relating to actions by the Applicant and was referred by OIOS to the Department of Field Support (DFS) at United Nations Headquarters. DFS referred the matter to UNMISS and UNMISS CDT referred the matter to the UNMISS Special Investigations Unit (SIU) for investigation. The investigation report was concluded and the Special Representative of the Secretary-General (SRSG) of UNMISS sent the SIU investigation report and the CDT conclusions and recommendations to the Under-Secretary-General of DFS.

12. The Applicant specifically objected to the inclusion of two paragraphs in the joint statement of facts concerning statements allegedly made by him and another witness to the investigator but did not otherwise object to the account of the process.

Orders