



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/044
Order No.: 202 (NBI/2021)
Date: 23 September 2021
Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

LOTO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé*

Counsel for the Respondent:

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

Introduction

1. The Applicant serves as a Mail Assistant at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”). He holds a fixed-term appointment at the FS-4 level and is based in Goma.

2. On 15 June 2020, the Applicant filed an application to challenge two decisions. Firstly, he challenges the Respondent’s 13 January 2020 decision to place him on administrative leave without pay (“ALWOP”) for not making a report on alleged sexual misconduct and meeting with others to negotiate a settlement with the alleged victim. Secondly, he challenges the 11 May 2020 decision to retroactively extend the ALWOP from 13 April 2020 for a further three months. The Applicant has been granted suspension of action regarding the decisions and he is currently on administrative leave with pay. His position in the instant application is that the prior decision to place him on ALWOP was unlawful.

Procedural background and historical facts

3. On 10 December 2019, the Applicant received an email from the Office of Internal Oversight Services (“OIOS”) informing him that he was the subject of an investigation.

- b) Should the parties agree that these were admissible, a transcript was to be disclosed to the Tribunal by **27 September 2021**.
- c) Should the parties disagree, their submissions on admissibility are due on **27 September 2021**.
- d) The Tribunal will then rule on admissibility by **30 September 2021**.
- e) A schedule was also set for the filing of closing submissions as follows:
 - i. **13 October 2021** - Applicant to file;
 - ii. **20 October 2021** - Respondent to file;
 - iii. **27 October 2021** - Applicant's response to the Respondent's closing submissions.

(Signed)

Judge Eleanor Donaldson Honeywell

Dated this 23rd day of September 2021

Entered in the Register on this 23rd day of September 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi