



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2015/177  
UNDT/NBI/2015/179  
Order No.: 479 (NBI/2016)  
Date: 10 November 2016  
Original: English

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**Before:** Judge Goolam Meeran

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

AWE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER REVIEWING ORDER NO. 435  
(NBI/2016) ON CONSOLIDATION OF  
CASES**

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**Counsel for applicant:**

Self-represented

**Counsel for respondent:**

Nicole Wynn, ALS/OHRM

Steven Dietrich, ALS/OHRM

## **Introduction**

1. The Applicant is a Resident Auditor in the Office of Internal Oversight Services (OIOS). He serves at the P-4 level, and is based in Bamako, Mali.

## **The Applications**

2. At the time of the Applications, the Applicant was the OIOS Chief Resident Auditor at the United Nations Assistance Mission for Iraq (UNAMI).

3. On 1 December 2015, the Applicant filed an Application (UNDT/NBI/2015/177) contending that the Respondent's decision, following the outcome of the investigation of his allegations pursuant to ST/SGB/2008/5 (Prohibition of Discrimination, Harassment, including Sexual Harassment and Abuse of Authority), was flawed in that it failed to grant him an effective remedy for the harm caused to him, and that the administration failed to provide him with a prompt and efficient internal means of redress. He also alleged that there were other procedural irregularities.

4. On 7 December 2015, the Applicant filed another Application, (UNDT/NBI/2015/179) also relating to the outcome of his complaint challenging the alleged procedural impropriety of the Respondent's actions but referring to particular matters, including failures to deal promptly with certain issues relating to Ms. Yasin, the UNAMI Chief of Mission Support at the time, following the outcome of the investigation into his complaint, which he contends was prejudicial to his rights as a staff member to be provided with a prompt and efficient means of redress.

5. On 31 August 2016, the Tribunal issued Order No. 425 (NBI/2016) setting this matter down for a case management discussion (CMD) to discuss the claims and issues raised in these separate claims and to deal with the Respondent's motion for

combined proceedings and the Applicant's motion for disclosure of the reports of the Fact Finding Panel.

6. The CMD took place on 15 September 2016.

7. On 19 September 2016, the Tribunal issued Order No. 435 (NBI/2016) summarising the contents of the CMD and required both Parties to disclose several relevant documents. The Tribunal also granted the Respondent's motion for consolidation of the two cases filed by the Applicant, i.e., UNDT/NBI/2015/177 and UNDT/NBI/2015/179.

8. The Respondent complied with the Order, as directed, and the relevant documents were filed on 27 September 2016.

9. On 26 October 2016, the Tribunal issued Order No. 464 (NBI/2016) requiring the Respondent to file further documents, and respond to specific questions.

10. Having reviewed the Respondent's response to Order No. 464 and having noted the contents therein, the Tribunal finds that although there are common questions of background fact, the applicable legal principles and issues appear potentially to be significantly different. In the circumstances, the Tribunal finds it appropriate to rescind its order for consolidation of these cases.

**IT IS ORDERED THAT:**

11. Order No. 435 (NBI/2016) is hereby reviewed and cases UNDT/NBI/2015/179 and UNDT/NBI/2015/177 are severed and the Order for combined proceedings is discharged.

12. The Tribunal will issue separate judgments in each case as soon as is practicable.

Case Nos. UNDT/NBI/2015/177

UNDT/NBI/2015/179

Order No.: 479 (NBI/2016)

*(Signed)*

Judge Goolam Meeran

Dated this 10<sup>th</sup> day of November 2016

Entered in the Register on this 10<sup>th</sup> day of November 2016

*(Signed)*

Eric Muli, for

Abena Kwakye-Berko, Registrar, Nairobi