



UNITED NATIONS DISPUTE TRIBUNAL

---

Case No.:	UNDT/NBI/2025/031
Order No.:	141 (NBI/2025)
Date:	26 August 2025
Original:	English

---

**Before:** Duty Judge

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

TEMFACK

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

ORDER ON CASE MANAGEMENT

---

**Counsel for Applicant:**

Amstrong Muma Tatapong  
Angeline Kouoh Tatapong Petsiapiang

**Counsel for Respondent:**

Alister Cumming and Rosangela Adamo, UNICEF

## **Introduction**

1. The Applicant was the Chief Health and Nutrition in the United Nations Children's Fund (UNICEF) Comoros Country Office (CCO) based in Moroni, Comoros.

2. The Applicant was separated from service on 27 December 2024 for misconduct contrary to staff regulation 1.2(a) and staff rules 1.2 (e) and 1.2(f) of ST/SGB/2023/1 (Staff Regulations and staff rules), sections 1 and 3 of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse), and section 2 of POLICY/DHR/2020/002 (UNICEF Policy on the prohibition of discrimination, harassment, sexual harassment and abuse of authority).

3. On 23 March 2025, he filed an application before the United Nations Dispute Tribunal sitting in Nairobi to challenge the disciplinary measure imposed on him. On 24 April 2025, the Respondent filed his Reply.

4. On 15 August 2025, the Respondent filed a motion to adduce additional evidence. On 21 August 2025, the Applicant filed a motion for extension of time to file a rejoinder.

5. The Tribunal held a Case Management Discussion (CMD) with the parties on 25 August 2025.

## **The Discussion**

6. At the outset of the CMD, the Tribunal informed the Respondent that it was reserving its decision on his motion to adduce additional evidence.

7. The Applicant's motion for extension of time to file a rejoinder was granted with the *proviso* that the filing be done within 15 days of the CMD.

8. The discussion then turned to the list of witnesses the Applicant wishes to call to testify. The Applicant wishes to testify.

*The Housekeeper*

9. The Applicant wishes to call his housekeeper to testify as to what she saw and heard in the presence of V02. The Applicant also posits that the transcript of the investigator's interview with the housekeeper is not a true record of what she said, as she was interviewed in French which she does not fluently speak.

10. The Respondent argued that the interview was audio recorded, and that there were no issues with comprehension during the course of the interview. The housekeeper was also asked, prior to the interview, if she was comfortable being interviewed in French or if she needed an interpreter. The Respondent also pointed out that the Applicant is now raising the language issue for the first time.

11. The Tribunal directed the Respondent to produce the audio recording, and the paper trail prior to the interview in which the language issue was discussed.

*The Security Company and a guard from the security company*

12. The Applicant alleges that the security company and/or a "Mr. F" should be called to testify as to who was actually on duty at the Applicant's residence at the material time, as he alleges that the security company lied to the OIAI investigator as to who was on duty.

13. The Tribunal pointed out that the Applicant apparently has a private investigator speaking to witnesses in this case and that the investigator could obtain the information prior to the hearing.

14. The Applicant then asked to amend their list of witnesses to call the private investigator at the hearing. The Tribunal directed the Applicant to submit a written

statement from the private investigator setting forth the testimony they intend to elicit from him if he is permitted to testify.

*The Landlady*

15. The Applicant said he wishes to call his landlady in Comoros to testify regarding a theft claim that the Applicant made against the security company, which he indicated would establish a motive for the company to lie about the guard on duty during the alleged incident in this case.

16. The Tribunal ruled that the testimony of the Applicant's landlady at the time is irrelevant to these proceedings. The Applicant's conflict with the security company is not material to the inquiry into whether there is clear and convincing evidence of the misconduct for which the Applicant was separated.

*V01 and V02*

17. The Respondent disputes the need to call V01 to testify as the essential facts were not disputed by the Applicant. The Tribunal reserves its ruling on this.

18. The Applicant wishes to call V02 to testify; the Respondent does not object.

**Conclusion**

19. Following the discussion with the parties, the Tribunal made the following ORDERS:

- a. The Respondent will produce the audio recording and communication with Ms. Sundjay, the housekeeper, by 1 September 2025;
- b. The Applicant will provide the Tribunal with a statement on the relevance of, and anticipated testimony from, the private investigator by 1 September 2025;
- c. The Applicant will provide the Tribunal with the information from the security company, details pertaining to the guard on duty that day, his willingness to testify, and anticipated testimony by 10 September 2025;

- d. The parties will provide the Registry with agreed dates after the middle of October for an oral hearing of this matter by 10 September 2025;
- e. The Applicant will file his rejoinder to the Respondent's reply on or before 12 September 2025.

*(Signed)*

Judge Sean Wallace (Duty Judge)  
Dated this 26<sup>th</sup> day of August 2025

Entered in the Register on this 26<sup>th</sup> day of August 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi