



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/070
UNDT/NBI/2020/075
Order No.: 234 (NBI/2021)
Date: 21 October 2021
Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ANTOINE
MILLAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANTS
MOTION AND HEARING NOTICE**

Counsel for the Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé*
Charles A. Adeogun-Phillips, Charles Anthony LLP

Counsel for the Respondent:

Romy Batrouni, AAS/ALD/OHR, UN Secretariat
Jacob B. van de Velden, AAS/ALD/OHR, UN Secretariat

Background

1. The Applicants are challenging the decisions:
 - a. To place them on Administrative Leave Without Pay (ALWOP
 - b. To seize their personal smartphones for the purposes of an investigation.
2. The Tribunal held a

[t]he oral proceedings shall be held in public unless the judge hearing the case decides, at his or her own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be closed. If appropriate in the circumstances, the oral hearing may be held by video link, telephone or other electronic means.

7. The Applicants have raised an issue regarding the integrity of the proceedings being compromised by leaks to the press. The notion of transparency of and access to information is very important in any Organization. It allows for openness, accountability and good governance, which indeed are the overarching principles of this Organization. Public hearings aid the aim of transparency and accountability of the internal justice system and therefore any need to hold private hearings must be grounded on legitimate grounds. In the present case, the Applicants weighed against the public interest of having a public hearing.

8. The Tribunal considers that the observation

11. In accordance with art. 16.4 of the Rules of Procedure, the parties or their duly designated representatives must be present at the virtual hearing which will be held on Microsoft Teams, details of which shall be transmitted to the parties by the Registry.

12. The parties and observers are reminded that recording of courtroom proceedings is not permitted.

(Signed)

Judge Margaret Tibulya

Dated this 21st day of October 2021

Entered in the Register on this 21st day of October 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi