



Before: Judge Francesco Buffa

Registry: Geneva

Registrar: René M. Vargas M.

UDDIN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Donald Kaniaru

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. By application dated 27 November 2019, the Applicant, a former staff member in the United Nations Children’s Fund Bangladesh Country Office, challenges the decision to dismiss him for misconduct.
2. On 30 December 2019, the Respondent filed his reply.
3. On 26 January 2021, the present case was assigned to the undersigned Judge and was included in his docket for his current deployment.
4. By email dated 6 May 2021, the Applicant’s Counsel informed the Tribunal that the Applicant died on 13 April 2021.

Consideration

5. As a preliminary matter, having examined the parties’ submissions to date and the evidence on record, the Tribunal considers that it is fully informed about the matter at hand and that the case can be determined on the papers without holding a hearing.
6. The Tribunal notes that there are no specific provisions in its Statute or Rules of Procedure related to an applicant’s death while proceedings are on-going. Art. 3.1(c) of the Tribunal’s Statute, governing applications in the name of a deceased staff member of the United Nations, may nevertheless offer contextual support for the present case as it provides the following:

1. An application under article 2, paragraph 1, of the present statute may be filed by:

[...]

- (c) Any person making claims in the name of an incapacitated or deceased staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes.

7. However, only the heirs of a deceased person or his/her closest relatives have an interest in pending proceedings of a civil nature (see *Massah* Order No. 236 (NBI/2010), para. 6).

8. The Tribunal further recalls that art. 36 of its Rules of Procedure provides that all matters that are not expressly provided for in the Rules shall be dealt with by decision of the Tribunal on the particular case, by virtue of the powers conferred on it by art. 7 of its Statute.

Conclusion

9. In view of the foregoing, the Tribunal issues the following **DIRECTIONS**:

a. If there is an intention to continue the proceedings related to the present case, by **Friday, 28 May 2021**, the Applicant's Counsel shall file an appearance in court in the name of the person/persons who will act in the proceedings, providing the necessary documents showing the interest to proceed and the power of attorney; by the same act, the above-mentioned person/persons shall file his/her/their closing submission;

b. If no appearance is lodged with the Tribunal by the said deadline, the proceedings will be closed; and

c. If the Applicant's Counsel confirms and properly supports the intention to continue the proceedings, the Respondent shall file his closing submission by **Monday, 31 May 2021**.

(Signed)

Judge Francesco Buffa

Dated this 7th day of May 2021

Entered in the Register on this 7th day of May 2021

(Signed)

René M. Vargas M., Registrar, Geneva