



Before: Judge Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

IRAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Raja Muhammad Farooq

Counsel for Respondent:

Mathias Schuster, UNICEF

Rosangela Adamo, UNICEF

Introduction

1. On 8 August 2020, the Applicant, a former Water, Sanitation and Hygiene (“WASH”) Officer, Field Office Karachi, United Nations Children’s Fund (“UNICEF”), filed an application contesting the decision following a disciplinary process to separate her from service with compensation in lieu of notice and with termination indemnity, in accordance with UN Staff Rule 10.2(a)(viii).
2. On 9 September 2020, the Respondent filed his reply.
3. On 18 October 2020, the Applicant filed a rejoinder.
4. On 27 October 2020, the Respondent filed a motion to strike the Applicant’s rejoinder.
5. On 30 October 2020, the Applicant filed a response to the Respondent’s motion.
6. On 10 January 2022, the instant case was assigned to the undersigned Judge.
7. By Order No. 28 (GVA/2022) of 2 March 2022, the Tribunal rejected the Respondent’s motion and granted him additional time to make comments on the Applicant’s rejoinder. Through the same Order, the Tribunal also asked the parties to file submissions on the necessity of an oral hearing.
8. On 9 March 2022, the Applicant indicated a wish for an oral hearing without justifying its need.
9. On 10 March 2022, the Respondent replied to the rejoinder and informed the Tribunal that given the extensive case record, there is no need for an oral hearing.

Consideration

10. As stated above, the Tribunal asked the parties to identify the material issues of fact that may require a fact-finding oral hearing. The Respondent stated that a hearing is not necessary, and the Applicant indicated a wish for one. However, the

Applicant did not identify any material issues of fact and did not provide any reasons or justification in support of his request.

11. As set out in Order No. 28 (GVA/2022), even though a hearing should normally be held following an application against a disciplinary measure, pursuant to art. 16.2 of the Tribunal's Rules of Procedure, the discretion to hold an oral hearing vests with the Judge (see *He* 2016 UNAT 686 and *Nadeau* 2017 UNAT 733). Having examined the parties' submissions to date and the evidence on record, the Tribunal has not identified any material issues of fact requiring a fact-finding oral hearing.

12. Accordingly, the Tribunal finds that this case can be determined on the papers.

Conclusion

13. In view of the foregoing, the parties are hereby instructed that the Tribunal is ready to adjudicate this case and will be moving forward with its judgment based on the papers.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 15th day of March 2022

Entered in the Register on this 15th day of March 2022

(Signed)

René M. Vargas M., Registrar, Geneva