



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2010/30/
UNAT/1688
Order No.: 098 (UNDT/ 2010)
Date: 27 May 2010
Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

SOW

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for Applicant:

Bart Willemsen, OSLA

Counsel for Respondent:

Adele Grant, ALS/OHRM, UN Secretariat

Introduction

1. At the time of the contested decision, the Applicant was a Principal Officer of the United Nations Mission in the Democratic Republic of Congo (MONUC). The Applicant filed an Application with the United Nations Administrative Tribunal on 5 May 2010 contesting the decision of the Secretary-General to impose a disciplinary measure of a fine of two months' net base salary.
2. On 28 October 2009, the Respondent submitted a response to the Application.
3. In light of the issues raised in the pleadings and the fact that there is an ongoing employment relationship between the Parties:

IT IS ORDERED THAT:

5. The Parties are to inform the Tribunal, by or before 4 June 2010 , whether they are prepared to consider the option of mediation before consideration and determination by the Tribunal.

5. In the event that the Parties are not agreeable to exploring a mediated settlement, they are to submit, to the Tribunal, responses to the following questions, **by or before 30 June 2010:**

- (a) Statement of Facts and Core Issues:
 - (i) The Parties are to submit to the Tribunal separate statements of facts.
 - (ii) The Parties are to submit to the Tribunal a statement of core issues.

- (b) Evidence:
- (i) In addition to the documents already filed, would Parties wish to submit any supplementary documentary evidence?
- (iii) If the answer to the above is yes, the Parties are to file such evidence **by or before 30 June 2010.**
- (c) Case Management Conference and the Hearing:
- (i) The Registry shall notify the Parties of the date of the Case Management Conference.
- (ii) Parties should indicate whether they intend to call witnesses and should also indicate clearly the relevance of the evidence of each witness. The Parties should also indicate the approximate amount of time they may need for examination-in-chief of their witnesses.
- (iii) Parties should also communicate the names of witnesses and full contact details (telephone/email) to the Registry.
- (iv) It is the responsibility of the Parties to ensure the availability of their witnesses.
- (d) Discovery of Documents:
- (i) If either Party wishes to request the Tribunal to order the production of such evidence (Article 18 of the Rules of Procedure), the Application shall be filed **by or before 30 June 2010.**

(Signed)

Judge Nkemdilim Izuako

Dated this 20th day of May 2010

Entered in the Register on this 20th day of May 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi