



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/056
Order No.: 022 (NBI/2017)
Date: 1 February 2017
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ANYETEI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

Sam Okudzeto, Sam Okudzeto & Associates, Accra, Ghana.

Counsel for the Respondent:

Federica Midiri, UNFPA

Introduction

1. The Applicant is a former staff member of the United Nations Population Fund (UNFPA). She was serving as the HIV Prevention Adviser, on a fixed term appointment at the P5 level at the UNFPA Regional Office in Johannesburg, South Africa.
2. On 11 May 2015, she filed an application with the United Nations Dispute Tribunal in Nairobi challenging the Respondent's decision to separate her from service.
3. The Respondent filed his reply to the application on 15 June 2015.
4. On 23 October 2015, the matter was transferred to the docket of Judge Coral Shaw by way of Order No. 337 (NBI/2015).
5. On 3 November 2015, the Tribunal issued Order No. 350 (NBI/2015) for the purposes of case management.
6. Order No. 384(NBI/2015) was issued on 3 December 2015 setting the matter down for a case management discussion.
7. On 13 January 2016, the Tribunal issued Order No. 004 (NBI/2016) vacating the previous order and setting the matter down for a case management discussion in March 2016, to be followed by a substantive hearing in April 2016.
8. Order No. 177 (NBI/2016) was issued on 4 April 2016 for further management of the matter prior to the substantive hearing.
9. On 7 April 2016, the Registry received notice from counsel for the Applicant indicating that he was no longer representing the Applicant.
10. This was followed, on the same day, by a motion for extension of time to comply with the requirements of Order No. 177 (NBI/2016). The motion, which was filed by the Applicant's newly retained counsel, sought an extension of 2 months.

11. The Tribunal issued Order No. 189 (NBI/2016) on 8 April 2016 denying the motion for extension of time, so that the hearing could proceed as previously scheduled. Parties were informed that if the Applicant was unable to comply with the Tribunal's timeline for the hearing, the scheduling order would be vacated and the matter allocated to another judge.

12. On 11 April 2016, the Registry received a communication from counsel acting for the Applicant indicating his inability to comply with the terms stated in Order No. 189 (NBI/2016) and moving for the matter to be allocated to another judge.

13. On 11 April 2016, the Tribunal issued Order No. 192 (NBI/2016) indicating that this matter would be transferred to the docket of a different judge.

14. This matter is now assigned to Judge Alexander W. Hunter, Jr., who has decided to hold a case management discussion with the parties.

15. On 13 January 2017, the Tribunal issued Order No. 008 (NBI/2017) directing the Parties to attend a case management discussion on 31 January 2017. The Parties were also directed to file a paginated bundle of documents, as well as statements of any witnesses they may wish for the Tribunal to hear.

16. The CMD took place on 31 January 2017 by teleconference in the presence of counsel for both parties. The Applicant was not present.

17. The Tribunal noted that the Applicant takes the position that this matter can be decided on the papers given that she does not intend to call any witnesses.

ORDERS

18. The parties are directed to file their respective closing submissions by **Monday, 13 February 2017**.

19. The Respondent is directed to address the issue of terminal indemnities, including the amount that would have been paid to the Applicant had the Secretary-General decided to impose the sanction of separation with terminal indemnities.

20. The Respondent is required to include in his submissions the exact amount that was recovered from the Applicant.

21. The Tribunal directs the parties to ensure that their closing submissions include a clear and chronological list of facts leading up to the separation of the Applicant and a list of legal issues that they contend must be deliberated and decided upon by this Tribunal.

(signed)

Judge Alexander W. Hunter, Jr.

Dated this 1st day of February 2017

Entered in the Register on this 1st day of February 2017

(signed)

Abena Kwakye-Berko, Registrar, Nairobi