



Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ANDRIANTSEHENO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
George Irving

Counsel for the Respondent:
Miryoung An, AAS/ALD/OHR

Background

1. At the time of the application, the Applicant held the position of a Statistician at the United Nations Economic Commission for Africa. He served on a continuing appointment at the P-4 level and was based in Addis Ababa, Ethiopia.

2. On 29 October 2019, the Applicant filed an application contesting the Under-Secretary-General for Management Strategy, Policy and Compliance's (USG/DMSPC) decision to impose on him the disciplinary sanction of separation from service with compensation in lieu of notice and with termination indemnity for serious misconduct in accordance with staff rule 10.2(a)(viii).

3. On 30 October 2019, the Tribunal issued Order No. 171 (NBI/2019) requiring the Applicant to limit his application to 10 pages. The Applicant filed the revised application on 4 November 2019.

4. A case management discussion (CMD) took place on 27 February 2020. Counsel for both Parties attended the CMD. The Applicant could not be reached despite several attempts by the Registry. His Counsel confirmed to the Tribunal to proceed with the discussion in the absence of the Applicant.

The Discussion

5. Both Parties informed the Tribunal that they were open to having this matter resolved informally. Discussions to this end had commenced, but no agreement has been reached. The Tribunal informed the Parties that they are at liberty to have this matter resolved informally at any time prior to the hearing.

6. Counsel for the Applicant asked to be allowed to file further submissions in support of the Applicant's claim for damages. The Respondent had no objection to the request as long as they have an opportunity to file a reply to the submissions.

7. The Parties then agreed on the following:

- (a) to hold a partial oral hearing restricted to filing of witnesses' statements;
- (b) Counsel to indicate in advance if they wish to cross-examine any of the witnesses and specify the areas in the witness statement that would be subject to cross-examination;
- (c) Only those witnesses that would be subject to cross-examination to appear at the hearing; and
- (d) there shall be no examination in chief.

ORDER

8. The Applicant is directed to file supplementary submissions on damages within seven days of this Order. The Respondent shall have seven days thereafter within which to reply. The Parties shall submit their respective filings by **6 March 2020 and 13 March 2020** respectively.
9. The Applicant shall file his witness statement within 21 days of this Order, **20 March 2020**.
10. The Respondent shall indicate if he wishes to cross-examine the Applicant and disclose names of his own witnesses within 28 days, **27 March 2020**.
11. The Respondent shall file his witness statements within 28 days of this Order, **27 March 2020**.
12. The Applicant shall indicate within 35 days, **3 April 2020**, if he wishes to cross-examine the Respondent's witnesses.
13. The Tribunal shall set a date of hearing after the above orders are complied with.
14. Parties shall be at liberty to file final submissions after the close of oral hearing.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 28th day of February 2020

Entered in the Register on this 28th day of February 2020

(Signed)

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi