



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/097
Order No.: 110 (NBI/2020)
Date: 12 June 2020
Original: English

Before: Judge Eleanor Donaldson-Honeywell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

PARIS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:
Mohamed Abdou, OSLA

Counsel for the Respondent:
Susan Maddox, AAS/ALD/OHR, UN Secretariat
Elizabeth Gall, AAS/ALD/OHR, UN Secretariat

Introduction and Procedural History

1. On 18 September 2018, the Applicant, a former staff member of the United Nations Multidimensional Integrated Stabilisation Mission in Mali (“MINUSMA”), challenged the Respondent’s decision to separate him from service with compensation in lieu of notice and termination indemnity in accordance with Staff Rule 10.2(a)(viii).

2. The Respondent filed his reply to the application on 18 October 2018.

3. The Tribunal held a case management discussion on 28 April 2020, following which the Tribunal issued Order No. 081 (NBI/2020) recording the discussion that was held. The Tribunal also issued a series of orders for the parties to comply with.

4. On 8 May 2020, the parties informed the Tribunal that *inter partes* discussions had not yielded a settlement agreement. The parties undertook to continue talking but asked the Tribunal to proceed with adjudication of the matter.

5. On 22 May 2020, the Tribunal issued Order No. 097 (NBI/2020) setting this matter down for a three-day oral hearing.

6. Prior to submitting their trial bundle, the parties informed the Registry that they would require the services of a simultaneous interpreter because both the Applicant and the Respondent intend to call witnesses who will testify in French.

7. The COVID-19 telecommuting arrangements do not yet allow for effective simultaneous interpretation. A platform for this is being procured.

8. The Registry wrote to the parties informing them of the unavailability of these services and listing a number of options put forward by the Tribunal for advancing the adjudication of this matter. The proposed options included adjudication of the matter on the papers or postponement of the matter to a date when interpretation services will

be available. The parties preferred postponement but were keen to find out when interpretation is likely to be available before deciding on whether they are amenable to this matter being postponed.

9. The Tribunal called the parties to a case management discussion on 9 June 2020 so that various modalities could be explored. The parties were reminded that the presiding Judge's three-month deployment concludes on 14 July 2020 and that there is uncertainty as to the time when translation services will be available for online hearings during the period of COVID-19 telecommuting. Accordingly, the postponement of the oral hearing would be to a date during a subsequent deployment.

10. During the course of the case management discussion, the Tribunal adjourned the meeting to give the parties time to confer on various issues that arose in the discussion, including:

- a. Reducing the number of witnesses to be called;
- b. Whether *in lieu* of oral hearing with translation of the witnesses testimonies the evidence could be examined by way of interrogatories;
- c. A schedule within which witness statements and interrogatories could be exchanged; and
- d. A date for closing submissions.

11. The case management discussion resumed and the parties reported on the agreed way forward.

Orders

12. The schedule to be complied with based on the parties agreement is as follows:

- a. Witness statements will be filed by the parties by **30 June 2020**;
- b. Opposing parties will file their list of interrogatories on those statements by **14 July 2020**;

c. Responses to the questions in the interrogatory lists will be filed by **28 July 2020**.

d. Oral closing submissions will be heard on a date to be determined by the Court.

13. The parties have also undertaken to use this time to continue their meaningful settlement discussions.

14. The Tribunal will hold a status hearing with the parties on **6 July 2020**.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 12th day of June 2020

Entered in the Register on this 12th day of June 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi