



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/122
Order No.: 112 (NBI/2020)
Date: 15 June 2020
Original: English

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

HOSSAIN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
George Irving

Counsel for the Respondent:
Miryoungh An, AAS/ALD/OHR, UN Secretariat
Elizabeth Gall, AAS/ALD/OHR, UN Secretariat

Introduction and Procedural History

1. At the time of the impugned decision, the Applicant served as a Security Coordination Officer at the United Nations Mission in Iraq (“UNAMI”). He held a fixed term appointment at the P-4 level and was based in Kirkuk.

2. On 14 December 2018, the Applicant challenged the Respondent’s decision to separate him from service with compensation *in lieu* of notice without termination indemnity in accordance with staff rule 10.2(a)(viii). It is the Applicant’s case that the impugned decision should be rescinded on grounds that the investigation and ensuing report was flawed. He also moves the court to order his reinstatement with retroactive payment of his wages and entitlements from 17 September 2017.

3. The Respondent filed his reply to the application on 25 January 2019.

4. The Respondent submits that the impugned decision was based on clear and convincing evidence that the Applicant’s conduct amounted to serious misconduct in violation of staff regulation 1.2(b), (f) and (q) and staff rules 1.2(c) and (g).

5. The Tribunal issued Order No. 074 (NBI/2020) setting this matter down for a case management discussion (“CMD”). The CMD took place on 30 April 2020, with counsel for both parties in attendance.

6. On 4 May 2020, the Tribunal issued Order No. 083 (NBI/2020) recording the contents of the CMD.

7. The parties informed the Tribunal that *inter partes* settlement between the parties is unlikely. The Applicant then filed his rejoinder to the application, which the Respondent responded to.

Orders

8. Having reviewed the rejoinder and the Respondent’s response to it, the Tribunal makes the following Orders:

- a. The Applicant will file his closing submissions by **Monday, 6 July 2020**;
 - b. The Respondent will file his closing submissions by **Monday, 27 July 2020**;
 - c. The Applicant will file his final submissions, if any, by **Monday, 10 August 2020**.
9. The Tribunal will make its findings on the admissibility objections raised by the Respondent in its judgment.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 15th day of June 2020

Entered in the Register on this 15th day of June 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi