



**Before:** Judge Francis Belle  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

DUTTA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**CASE MANAGEMENT ORDER**

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**Counsel for the Applicant:**

George Irving

**Counsel for the Respondent:**

Miryoungh An, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant was a Facilities Management Assistant at the United Nations Interim Security Force for Abyei (“UNISFA”). He served on a continuing appointment at the FS-5 level, and was based in Abyei, Sudan.

## **Procedural History**

2. The Applicant was separated from service of the United Nations for misconduct in violation of staff regulations 1.2(a) and (b), staff rules 1.2(e) and (f), and sections 1 and 3.2(a) of ST/SGB/2003/13 (“Special measures for protection from sexual exploitation and sexual abuse”) on 20 December 2018 with compensation *in lieu* of notice but without termination indemnity.

3. The Applicant filed his application to challenge that decision on 14 March 2019 at the United Nations Dispute Tribunal sitting in Nairobi.

4. The Respondent filed his reply to the application on 16 April 2019.

5. The parties attended a case management discussion (“CMD”) before the Tribunal on 4 August 2020.

## **The Discussion**

6. Both parties informed the Tribunal that they are amenable to this matter being resolved *inter partes*. The Tribunal encouraged the parties to embark on settlement discussions in good faith and reminded them that it would be in the interest of both the Applicant and the Organization for this matter to be resolved without recourse to litigation.

7. Both parties also agreed on the need for an oral hearing in this matter, in the event that settlement discussions fail. The Applicant was prepared to submit his settlement proposal to the Respondent by 10 August 2020.

8. The Tribunal anticipates scheduling this matter for oral hearing in the week of 8 September 2020.

### **Orders**

9. The Tribunal makes the following Orders:

- a. The parties will jointly advise the Tribunal on the status of their settlement discussions by **Tuesday, 25 August 2020**;
- b. The parties will file a joint submission of the list of facts and issues to be adjudicated in this matter, and the list of witnesses they intend to call, by 1 September 2020. The Applicant will file his list of witnesses with a summary of their intended testimony, and the purpose for which they are being called, for the Tribunal's consideration by **Tuesday, 1 September 2020**.

10. The Tribunal commends the parties for their willingness to engage in discussions for resolution of this matter outside of the adversarial process.

*(Signed)*

Judge Francis Belle

Dated this 11<sup>th</sup> day of August 2020

Entered in the Register on this 11<sup>th</sup> day of August 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi