



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

SIMIYU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Jonathan Croft, AAS/ALD, OHR, UN Secretariat
Jacob van de Velden, AAS/ALD, OHR, UN Secretariat

Introduction

1. At the time of the impugned decision, the Applicant held a continuing appointment at the P-3 level and was serving at the United Nations Support Office for Somalia (“UNSOS”).

2. On 19 May 2020, the Applicant was separated from service of the Organization pursuant to staff rule 10.2(a)(viii) with compensation *in lieu* of notice and termination indemnity for serious misconduct in violation of staff regulation 1.2(b) and staff rule 1.5(a). The Applicant filed her application to challenge this decision on 20 May 2020.

3. The Respondent filed his reply on 19 June 2020. The Respondent takes the position that all relevant circumstances were considered in making the disciplinary decision, and that the Applicant’s rights to due process were respected throughout the disciplinary process.

4. On 21 May 2021, the Tribunal issued Order No. 106 (NBI/2021) setting this matter down for a case management discussion (“CMD”) with the parties. The discussion took place, as scheduled, on 28 May 2021.

The Discussion

5. Technological glitches caused significant sound quality issues which affected the CMD as a whole. The Tribunal was not able to properly hear the Applicant and *vice-versa*.

6. Be that as it may, the salient points of the discussions are stated as follows.

7. At the outset of the CMD, the Applicant informed the Tribunal that she is now self-represented, and will no longer have the assistance of counsel.

8. The parties are not prepared to engage in settlement discussions towards having this dispute resolved without further litigation.

9. The Respondent takes the view that this matter can and should be decided on the basis of the parties’ written submissions.

10. Given the technological issues that the Tribunal and the parties faced during the CMD, the Tribunal has allowed the Applicant to file her final submissions within a week of the CMD. The Respondent may respond to those submissions within the same timeframe.

11. The Tribunal will also consider a proposal for an additional case management discussion, should the parties think it necessary.

Considerations and Order

12. The Applicant is directed to file her final submissions by **4 June 2021**.

13. Should the Respondent wish to respond to the Applicant's submissions, his filing should be made by **11 June 2021**.

(Signed)

Judge Francis Belle

Dated this 2nd day of June 2021

Entered in the Register on this 2nd day of June 2021

(Signed)

Abena Kwakye-Berko., Registrar, Nairobi