



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2023/009  
Order No.: 051 (NBI/2023)  
Date: 21 February 2023  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart, Duty Judge  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

HATUNGIMANA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**  
Ron Mponda

**Counsel for the Respondent:**  
Charlotte Servant-L'Heureux, UNHCR  
Rebecca Britnell, UNHCR

## **Introduction**

1. The Applicant, a former staff member of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application on 17 January 2023 to contest the decision to separate him from service, with compensation in lieu of notice, without termination indemnity pursuant to staff rule 10.2(a)(viii).

2. The Respondent filed a reply on 17 February 2023 in which he seeks dismissal of the application on the basis that the disciplinary measure imposed on the Applicant was well-founded and lawful. The Respondent further contends that the Applicant has produced no evidence indicating that he suffered any moral damages.

## **Case management**

3. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

4. Having taken into consideration the pleadings of the parties, the Tribunal has concluded that the Applicant should be given an opportunity to comment on the Respondent’s reply. Should further clarification be required, the parties will be informed of the date for a case management discussion (“CMD”) once the case is assigned to a judge for adjudication.

## **ORDERS**

5. On or before **22 March 2023**, the Applicant shall provide a response to the Respondent’s reply and specifically address four points which were not sufficiently covered in the application. The points include: (i) whether the Applicant contests that facts on which the disciplinary measure was based were established by clear and convincing evidence, and if so, which of the relevant facts were not so established; (ii) whether the Applicant proposes evidence for the contested facts; (iii) whether the facts

as claimed by the Applicant do not amount to misconduct, and (iv) whether the Applicant questions that the sanction is proportionate to the gravity of the offence.

6. The submissions shall not exceed 8 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 21<sup>st</sup> day of February 2023

Entered in the Register on this 21<sup>st</sup> day of February 2023

*(Signed)*

Eric Muli, Legal Officer, for  
Abena Kwakye-Berko, Registrar, Nairobi