



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/030
Order No.: 097 (NBI/2023)
Date: 2 June 2023
Original: English

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

MUNYWOKI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Jacob van de Velden, DAS/ALD/OHR, UN Secretariat
Andrea Ernst, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former staff member of the United Nations Mission in South Sudan, filed an application on 15 March 2023 contesting his dismissal from service in accordance with staff rule 10.2(a)(ix).

2. The Respondent filed a reply on 17 May 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 no longer disputes the facts (see para. 7 of the reply); but at the same time makes erroneous factual claims (see para. 8 of the reply).

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 **9 June 2023**, the Applicant shall provide a response to the Respondent's reply and specifically address four points. The points include: (i) stating the admitted facts as established by the Respondent and 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 still questions that the sanction is not proportionate to the gravity of the offence.

6. The submissions shall not exceed 7 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Francis Belle

Dated this 2nd day of June 2023

Entered in the Register on this 2nd day of June 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi