



Before: Judge Francesco Buffa

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MAKEEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

Bang Dut Uguak

Counsel for the Respondent:

Isavella Maria Vasilogiorgi, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant served as a Team Assistant at the GL-4 level with the United Nations Mission in South Sudan (“UNMISS”) on a fixed-term appointment, in the Aweil Field Office.
2. On 29 July 2022, he filed an incomplete application to the United Nations Dispute Tribunal sitting in Nairobi *via* email requesting urgent relief under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend the decision by the Under-Secretary-General for Management Strategy, Policy and Compliance (“USG/DMSPC”) to impose on him the disciplinary measure of separation from service with compensation *in lieu* of notice and without termination indemnity in accordance with staff rule 10.2(a)(viii).
3. The disciplinary measure was imposed on grounds that there was clear and convincing evidence that the Applicant engaged in serious misconduct, in violation of staff regulations 1.2(a) and 1.2(b), staff rule 1.2(e), and sections 1, 3.1, 3.2(a), (c), and (f), and 3.3 of ST/SGB/2003/13 (“Special measures for protection from sexual exploitations and sexual abuse”).
4. The Applicant completed his application on 10 August 2022.
5. On 11 August 2022, the Tribunal issued Order No. 112 (NBI/2022) dismissing the Applicant’s motion for suspension of the impugned decision. As the Applicant had already been separated at the time of filing, the Tribunal determined that it had no jurisdiction to suspend a decision that had already been implemented.
6. The Respondent filed his reply on 23 September 2022.

Conclusion

7. The Tribunal has reviewed the parties’ submissions and, having in mind arts. 16.1 and 2 of the Rules of Procedure of the UNDT, takes the view that the relevant facts in the present case are clear and there is no need to conduct a hearing on the merits as the matter can be determined on the basis of the documents on record.

Case No. UNDT/NBI/2022/074

Order No. 114 (NBI/2023)

8. To this end, the parties are invited to file their closing submissions, if any, by **4 July 2023**. These submissions must not exceed a maximum length of five pages, using Times New Roman, font size 12, line spacing 1.5.

(Signed)

Judge Francesco Buffa

Dated this 29th day of June 2023

Entered in the Register on this 29th day of June 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi