



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/009
Order No.: 142 (NBI/2023)
Date: 19 September 2023
Original: English

Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Eric Muli, Officer-in-Charge

HATUNGIMANA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

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, 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.

3. The Tribunal notes that a review of the sanction letter raises questions about observance of sec. 9.1 of ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process).

4. In view of the parties' submissions and the Tribunal's observation, the Tribunal has decided to hold a case management discussion ("CMD"). The purpose of the CMD is to:

- a. discuss and identify the claims and issues in the case;
- b. discuss issues relating to the compliance with ST/AI/2017/1 by the Administration in imposing the contested decision on the Applicant; and
- c. generally deal with any other matter(s) relating to the consideration and determination of this case.

ORDERS

5. A CMD in this case will take place on **26 September 2023 at 10.00 a.m.** (Nairobi Time, UTC +3) via Microsoft Teams. The CMD will be held *in camera* and will not be open to the public.

6. The parties or their duly designated representatives must attend the CMD. The Registry will provide a link to access the meeting.

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(Signed)

Judge Sean Wallace

Dated this 19th day of September 2023

Entered in the Register on this 19th day of September 2023

(Signed)

Eric Muli, Officer-in-Charge, Nairobi