



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/009
Order No.: 150 (NBI/2023)
Date: 27 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 held a case management discussion (“CMD”) on 26 September 2023. At the CMD, the following matters were discussed:

- a. Whether “harassment” was considered with regard to the sanction imposed on the Applicant;
- b. The number of witnesses to be called by each party during the oral hearing;
- c. Summary of the testimony to be given by each of the Applicant’s witnesses;
- d. Interpretation for witnesses who will testify in any other languages apart from English;
- e. Exhibits that each party intends to offer for the Tribunal’s consideration;
- f. Objections to the admission of evidence;
- g. Time and duration of the hearing; and
- h. Preparation of a joint trial bundle.

4. Further, at the CMD, the Applicant agreed that he is contesting the factual basis for the disciplinary sanction and its proportionality. He is not contesting that sexual harassment constitutes “misconduct” and only arguing due process to the extent that the investigation was not thorough enough and thus the Administration “got the facts wrong.”

ORDERS

5. On or before **29 September 2023**, the parties shall indicate whether their witnesses are available to testify during the weeks of **23 - 27 October or 30 October - 3 November 2023**, whether any of their witnesses will need interpretation, and, if so, what day they will testify.

6. On or before **3 October 2023**, the Respondent shall file submissions on whether harassment was considered in imposing the sanction on the Applicant, and if yes, why?

7. On or before **3 October 2023**, the Applicant shall provide to the Respondent’s Counsel a summary of the testimony from each witness.

8. On or before **10 October 2023**, the Applicant will comment on the Respondent’s submissions mentioned in para. 6 above.

9. On or before **10 October 2023**, the parties shall file a Joint Pre-hearing Statement setting forth a list of their witnesses and a summary of their testimony, a list of all exhibits each party intends to offer into evidence, and any objections to the testimony and exhibits listed.

10. On or before **17 October 2023**, the parties shall file a joint trial bundle including all exhibits that either side intends to offer into evidence.

(Signed)

Judge Sean Wallace

Dated this 27th day of September 2023

Entered in the Register on this 27th day of September 2023

(Signed)

Eric Muli, Officer-in-Charge, Nairobi