



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/009

Order No.: 161 (NBI/2023)

Date: 16 October 2023

Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: René M. Vargas M., 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. By Order No. 150 (NBI/2023) issued on 27 September 2023, the Tribunal directed that on or before 10 October 2023, the parties 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.

2. On 12 October 2023, the Respondent complied with the above stated directive. He indicated, however, that he failed to secure the Applicant's input for the Joint Pre-hearing Statement. The Respondent states that he wrote to the Applicant on 10 and 11 October 2023, but the Applicant responded that he was suffering significant internet connectivity issues in Malawi and would revert when he was able to do so.

3. In his submission, the Respondent also emphasizes that the Applicant was sanctioned for engaging in specific acts of misconduct, not for his character, personality or general behaviour. It is in this spirit that the Respondent objects to the Applicant calling Mr. Felix Kayijuka as a witness. The Respondent contends that Mr. Kayijuka's testimony comprises inadmissible hearsay and opinion evidence, i.e., a conversation overheard between two other colleagues, and that it has no probative value.

4. In accordance with the aforesaid, it is hereby **ORDERED** that on or before **26 October 2023**, the Applicant shall:

- a. Submit the required information in the Joint Pre-hearing Statement (fill in the blanks left by the Respondent); and
- b. Provide any response(s) to the Respondent's stated objections.

(Signed)

Judge Sean Wallace

Dated this 16th day of October 2023

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Entered in the Register on this 16th day of October 2023

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi