



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. The Applicant, a former staff member of the Office 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 and 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. By Order No. 150 (NBI/2023), the parties were directed to, among others, indicate their preparedness for a hearing of this matter at the end of October 2023.

4. The hearing did not take place as scheduled because of delays in securing the necessary translations of documents on the record.

5. On 12 January 2024, the Tribunal issued Order No. 3 (NBI/2024) calling for another case management discussion (“CMD”) to discuss the rescheduling of the oral hearing in this matter, and any other issue(s) that need to be resolved prior to the hearing taking place.

6. The CMD took place as scheduled on 16 January 2024. Counsel for both parties were present.

The Discussion

7. The parties agreed that the hearing of this matter will take approximately four hearing days given the number of witnesses being called by both of them.

8. Both parties are prepared for the hearing to start on 29 January 2024 through to 1 February 2024. As the Applicant and most of the witnesses scheduled to testify for both parties will be doing so in French, the hearing on these days is subject to the availability of interpreters.

9. Should interpreters not be available for the hearing to start in January, the Registry will schedule the matter for **19 to 22** or **26 to 29 February 2024**.

10. Counsel for the Applicant and the Applicant will be physically present in the Nairobi Courtroom for purposes of this hearing.

11. The anticipated testimony of Mr Felix Kayijuka was the subject of some discussion. The Respondent objects to the witness being called on grounds that his testimony will be hearsay and of little probative value. The Tribunal will rule on this objection after considering further argument at the hearing.

12. The Respondent asked the Tribunal to direct Counsel for the Applicant to file a written statement of anticipated answers to the questions previously submitted regarding his witnesses.

Conclusion

13. In view of the foregoing, IT IS ORDERED that:

- a. **By Friday, 19 January 2024**, Counsel for the Applicant will file a statement of anticipated answers to the questions previously provided for the witnesses he intends to call; and
- b. The Respondent will make the necessary arrangements for witnesses without access to stable internet connections to testify from UNHCR premises in Kinshasa.

(Signed)

Judge Sean Wallace

Dated this 16th day of January 2024

Entered in the Register on this 16th day of January 2024

(Signed)

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