



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. At the case management discussion held on 16 January 2024, the parties agreed to have a hearing on the merits of the case from 29 January 2024 to 1 February 2024.
2. The hearing took place as scheduled and, at the end of it, the parties agreed to file their respective closing submission within two weeks.
3. At the close of the hearing, the Respondent pointed out, for the first time in the year that this case has been pending, that not all of the annexes to the investigative report have not been translated from French into English. He asked that this be done since the recent amendment to art. 9.4 of the UNDT Statute expressly states that, in conducting its judicial review, “the Dispute Tribunal shall consider the record assembled by the Secretary-General”.

Consideration

4. The Tribunal observes that the Respondent is correct as to both the current language of art. 9.4 of the UNDT Statute, and the fact that not everything in the record assembled by the Secretary-General has been translated from French to English. However, the Tribunal notes that a great deal of the record relates to investigating other allegations against the Applicant that did not result in the disciplinary decision currently contested.
5. Accordingly, the parties are directed to consult regarding which parts of the record assembled by the Secretary-General are germane to this application and have not been translated into English for review by the Tribunal. The Respondent, as both the assembler of the record and the party requesting translation for the Tribunal’s consideration, shall file English translations of these parts of the record within two months.

Conclusion

6. In view of the foregoing, it is ORDERED THAT:

a. On or before **Thursday, 15 February 2024**, the parties shall file their respective closing submission, which shall:

i. Exclusively refer to evidence already on file. Any references to the record shall be to the English translation. If the English translation has not yet been filed, reference shall be made to the French original; and

ii. Not exceed **five pages**, using Times New Roman, font size 12 pts and 1.5 line spacing.

b. On or before **Monday, 1 April 2024**, the Respondent shall file English translations of those parts of the record assembled by the Secretary-General that the parties deem to be germane to this judicial review and required to be reviewed by the Tribunal.

(Signed)

Judge Sean Wallace

Dated this 2nd day of February 2024

Entered in the Register on this 2nd day of February 2024

(Signed)

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