
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/036
Order No.: 106 (NBI/2021)
Date: 21 May 2021
Original: English

Before: Judge Francis Belle

Registry: Nairobi

Registrar: Abena Kwakye-Berko

SIMIYU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Jonathan Croft, AAS/ALD, OHR, UN Secretariat

Jacob van de Velden, AAS/ALD, OHR, UN Secretariat

Introduction

1. At the time of the impugned decision, the Applicant held a continuing appointment at the P-3 level and was serving at the United Nations Support Office for Somalia (“UNSOS”).

2. On 19 May 2020, the Applicant was separated from service of the Organization pursuant to staff rule 10.2(a)(viii) with compensation *in lieu* of notice and termination indemnity for serious misconduct in violation of staff regulation 1.2(b) and staff rule 1.5(a). The Applicant filed her application to challenge this decision on 20 May 2020.

3. The Respondent filed his reply on 19 June 2020. The Respondent takes the position that all relevant circumstances were considered in making the disciplinary decision, and that the Applicant’s rights to due process were respected throughout the disciplinary process.

Considerations and Order

4. The Tribunal considers that a case management discussion (“CMD”) would facilitate fair, efficient and expeditious management and disposal of this case.

5. A CMD will take place on **Thursday, 27 May 2021 at 1430hrs (Nairobi time)** using Microsoft Teams. At the CMD, the Tribunal and the parties will:

- a. Ascertain whether the parties are amenable to this matter being resolved *inter partes*;
- b. Identify the factual and legal issues to be determined;
- c. Consider if the case may be decided on the basis of the parties’ written submissions; and
- d. Discuss any other matter relevant to these proceedings.

6. As this CMD is being held virtually, the parties are requested to provide the Registry with their contact details by **25 May 2021**.

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(Signed)

Judge Francis Belle

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