
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/126

Order No.: 075 (NBI/2020)

Date: 17 April 2020

Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

LUCCHINI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

Introduction and Procedural History

1. At the time of the application, the Applicant served as a Security Officer at the United Nations Multidimensional Integrated Stabilisation Mission in Mali (“MINUSMA”). He held a fixed term appointment at the FS-4 level and was based in Bamako.

2. On 21 December 2018, the Applicant challenged the Respondent’s decision to separate him from service with compensation *in lieu* of notice without termination indemnity in accordance with staff rule 10.2(a)(viii). It is the Applicant’s case that the facts of the allegations on which the impugned decision was made were not established so that there is no basis for a finding of misconduct; that due process was violated and the resulting sanction was disproportionate.

3. The Respondent filed his reply to the application on 25 January 2019.

4. The Respondent submits that the impugned decision was based on clear and convincing evidence that the Applicant’s conduct amounted to serious misconduct in violation of staff regulation 1.2(b) and (f), staff rule 1.2(e) and section 3.1 of ST/SGB/2003/13 on the Special Measures for Protection from Sexual Exploitation and Abuse.

Considerations and Order

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

6. A CMD will take place on **Monday, 4 May 2020 at 2.00 p.m. (Nairobi Time, UTC +3)** using Skype or Microsoft Teams. At the CMD, the Tribunal and the parties will:

- a. Ascertain whether the parties are amenable to considering an alternative resolution to the dispute;
 - b. Discuss the claims and issues in the case;
 - c. Identify the factual and legal issues to be determined;
 - d. Consider what further information, if any, is required;
 - e. Identify any documents to be disclosed;
 - f. Consider if the case may be decided on the basis of the documents, or whether a hearing should be held, and, if there is to be a hearing, to set the dates, identify the witnesses to be called and the documents to be presented; and
 - g. Discuss any other matter relevant to these proceedings.
7. As this case management discussion is being held virtually with all parties appearing from their respective locations, counsel are requested to provide the Registry with the relevant contact details no later than **24 April 2020**.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 17th day of February 2020

Entered in the Register on this 17th day of February 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi