
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/034
Order No.: 116 (NBI/2021)
Date: 7 June 2021
Original: English

Before: Judge Francis Belle

Registry: Nairobi

Registrar: Abena Kwakye-Berko

SIMUSHI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Victor Rodriguez

Counsel for Respondent:

Isavella Vasilogeorgi, AAS/ALD, OHR, UN Secretariat
Miryoung An, AAS/ALD, OHR, UN Secretariat

Introduction

1. At the time of the impugned decision, the Applicant held a continuing appointment at the FS4 level and was serving at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

2. On 10 February 2020, the Applicant was separated from service of the Organisation pursuant to staff rule 10.2(a)(viii) with compensation *in lieu* of notice, without termination indemnity, for serious misconduct in violation of staff regulation 1.2(b), staff rules 1.2(c) and 1.2(e), and sections 3.2(e) and 3.2(f) of ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse). The Applicant filed his application to challenge this decision on 13 May 2020.

3. The Respondent filed his reply on 13 June 2020. The Respondent takes the position that all relevant circumstances were considered in making the disciplinary decision, and that rights to due process were respected throughout the disciplinary process.

4. The parties attended a case management discussion (CMD) with the Tribunal on 4 June 2021.

Considerations and Order

5. Based on the discussion, the Tribunal makes the following orders:

a.

November 2020 to strike out the R
2020, by **14 June 2021**

b. The Applicant will file his motion for disclosure of documents, justifying each disclosure that is being sought, by **14 June 2021**.

6. native dispute
resolution, the parties are encouraged to confer on this matter once again and provide the Tribunal with a unified position on the way forward by **18 June 2021**.

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(Signed)

Judge Francis Belle

Dated this 7th day of June 2021

Entered in the Register on this 7th day of June 2021

(Signed)

Abena Kwakye-Berko., Registrar, Geneva