



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2012/046
Order No.: 099 (NBI/2014)
Date: 13 May 2014
Original: English

Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

MARIKI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

Self-Represented

Counsel for the Respondent:

Susan Maddox, ALS/OHRM

Kevin Browning, ALS/OHRM

Introduction and Procedural History

1. The Applicant held a fixed term appointment at the GS5 level. She served as a Travel Assistant in the Travel Unit at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania.

2. On 8 August 2012, the Applicant filed an Application challenging the decision of the Secretary-General to separate her from service with compensation *in lieu* of notice with termination indemnity for misconduct.

3. The Respondent filed his Reply to the Application on 12 September 2012. The Respondent submits that the issues to be determined in this case are:

- a) whether the allegations on which the contested administrative decision was based were established by clear and convincing evidence;
- b) whether the Applicant's explanations were fully considered prior to making the contested decision;
- c) whether the decision to separate the Applicant from service, with compensation *in lieu* of notice and with termination indemnity was proportionate to the Applicant's misconduct; and
- d) whether the Applicant's claims concerning her placement on administrative leave are receivable.

4. The Applicant filed her submissions in response to the Respondent's Reply on 9 October 2012.

5. On 25 November 2013, the Tribunal issued Order No. 256 (NBI/2013) advising the Applicant that the "services of counsel will assist the Applicant and the

Tribunal in the management and conduct of this case". The Tribunal directed that the Order be served on the Office of Staff Legal Assistance (OSLA) to facilitate the process, and that the Applicant advise the Tribunal with particulars of counsel by 9 December 2013.

6. There has to-date been no response from the Applicant. The Tribunal also notes that the Applicant never acknowledged receipt of Order No. 256 (NBI/2013) either.

ORDER

7. For the purposes of fair and expeditious management of this case, the following is **ORDERED**:

By **6 June 2014**, the **PARTIES** are to **JOINTLY**:

- a) file a concise statement of facts, **agreed and disputed**, listed in chronological order, and the remedies being sought;
- b) identify the legal issues, arising from those facts, for determination by the Tribunal;
- c) notify the Tribunal if they intend to submit additional documents, further to that already filed, indicating the relevance of same as evidence for this court to consider;
- d) notify the Tribunal of any disclosure issues that may need to be decided upon;

8. The Tribunal further **DIRECTS** that any other motion for interlocutory orders being sought by the Parties must be filed by **6 June 2014**.

(signed)

Judge Vinod Boolell

Dated this 13th day of May 2014

Entered in the Register on this 13th day of May 2014

(signed)

Abena Kwakye-Berko, Registrar, Nairobi