



**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

PARIS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Mohamed Abdou, OSLA

**Counsel for the Respondent:**

Susan Maddox, AAS/ALD/OHR, UN Secretariat

Elizabeth Gall, AAS/ALD/OHR, UN Secretariat

## **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-5 level and was based in Mopti.

2. On 18 September 2018, the Applicant challenged the Respondent’s decision to separate him from service with compensation in lieu of notice and termination indemnity in accordance with Staff Rule 10.2(a)(viii). It is the Applicant’s case that the impugned decision is fraught with irregularities, manifestly disproportionate and is largely based on an improper assessment of the facts and circumstances of what transpired.

3. The Respondent filed his reply to the application on 18 October 2018.

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 regulations 1.2(b), 1.2(f) and 1.2(q); the MINUSMA Code of Conduct (Code of Conduct); sections 1.53 and 4.44(a) of the United Nations Department’s Manual of Instruction on Use of Force Equipment Including Firearms of 2 May 2014 (UN Firearms Manual); and sections 3.2, 4.8.3, 4.91, and 4.9.10 of MINUSMA Standard Operating Procedure SOP/SEC-007/14 (Weapons and Training SOP) of August 2014 (MINUSMA Weapons and Training SOP).

## **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 **28 April 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 16<sup>th</sup> day of February 2020

Entered in the Register on this 16<sup>th</sup> day of February 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi