



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2016-986 to 2016-1033, 2016-1040, 2016-1047 and 2016-1048

Kagizi *et al.*

vs.

Secretary-General of the United Nations

ORDER No. 282 (2017)¹

Case Management - Consolidation

1. On 23 September 2016 and 17 October 2016, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued 51 judgments, Judgment Nos. UNDT/2016/126 through UNDT/2016/175 and UNDT/2016/189, in respect of 51 individual applications filed by former staff members of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), in which they challenged their non-renewal and separation from service.

2. On 25 and 28 November 2016 and 19 December 2016, all 51 staff members filed separate appeals against the judgments issued by the Dispute Tribunal in their respective cases, all of which are the same in all material respects for purposes of the appeals. The 51 appellants² and their corresponding case numbers assigned by the Appeals Tribunal are as follows: Kagizi (2016-986); Abwe (2016-987); Basizi (2016-988); Chentwali (2016-989); Kabandanyi (2016-990); Assani (2016-991); Buzera (2016-992); Kasaku (2016-993); Wanza (2016-994); Mugaya (2016-995); Muhromulume (2016-996); Muhimuzi (2016-997); Mwozi (2016-998); Kalombo (2016-999); Nsimire (2016-1000); Baguma (2016-1001); Balusha (2016-1002); Odax (2016-1003); Ibanzi (2016-1004); Kamanyula (2016-1005); Kampambu (2016-1006); Kilolo (2016-1007); Kiluwe (2016-1008); Ntawiniga (2016-1009); Macara (2016-1010); Maninga (2016-1011); Nyenyezi (2016-1012); Walonkonga (2016-1013); Mparanyi (2016-1014); Kisubi (2016-1015); Mungwasi (2016-1016);

¹ Reissued to add *Luhumbu* (Case No. 2016-1040), which was inadvertently omitted.

² Although it is the general practice of the United Nations Appeals Tribunal (Appeals Tribunal) to refer to appellants by their full name, for expeditious case management they are referred to herein only by their respective surnames given their large number. Their full names will be referred to in the judgments to be issued by this Tribunal.

Buhendwa (2016-1017); Owanga (2016-1018); Kalulua (2016-1019); Miruho (2016-1020); Kabuka (2016-1021); Ramazani (2016-1022); Mbilizi (2016-1023); Ntumba (2016-1024); Samano (2016-1025); Mughanza (2016-1026); Kibari-Muzinga (2016-1027); Shabani (2016-1028); Nkashama (2016-1029); Ntapaka (2016-1030); Kaningini (2016-1031); Shalukoma (2016-1032); Namegabe (2016-1033); Luhumbu (2016-1040); Bishimire (2016-1047); and, Kishimbi (2016-1048) – hereinafter altogether referred to as **Kagizi et al.** for purposes of this Order.

3. On 25 January 2017, the Secretary-General submitted separate answers to each of these appeals.

4. Article 18*bis*(1) of the Appeals Tribunal Rules of Procedure, provides that “[t]he President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”.

5. In light of the fact that all 51 cases are related in that they involve a similar set of facts and challenge the same legal conclusions reached by the Dispute Tribunal in each of above-referenced judgments, the President has deemed that it is “appropriate for the fair and expeditious management of the case and to do justice to the parties” to consolidate these 51 appeals into seven groups to be heard by seven panels.

6. The President has determined further that these cases raise “a significant question of law” warranting consideration by the Appeals Tribunal as a whole pursuant to Article 10(2) of the Appeals Tribunal Statute. In the interest of judicial economy and to ensure consistency in the disposition of these 51 appeals, the first group of cases shall be heard by the full Appeals Tribunal (a full-bench proceeding).

IT IS HEREBY ORDERED that the above-referenced appeals, Case Nos. 2016-986 to 2016-1033, 2016-1040, 2016-1047 and 2016-1048 shall be consolidated into seven groups to be heard by seven panels, the first of which shall be a full-bench proceeding, as follows:

- Group 1: Kagizi (2016-986); Abwe (2016-987); Basizi (2016-988); Chentwali (2016-989); Kabandanyi (2016-990); Assani (2016-991); Buzera (2016-992); Kasaku (2016-993); and, Luhumbu (2016-1040) (hereinafter referred to as **Kagizi et al.**, with **Case No. 2016-986**);
- Group 2: Wanza (2016-994); Mugaya (2016-995); Muhromulume (2016-996); Muhimuzi (2016-997); Mwozi (2016-998); Kalombo (2016-999); and, Nsimire (2016-1000) (hereinafter referred to as **Wanza et al.**, with **Case No. 2016-994**);
- Group 3: Baguma (2016-1001); Balusha (2016-1002); Odax (2016-1003); Ibanzi (2016-1004); Kamanyula (2016-1005); Kampambu (2016-1006); and, Kilolo (2016-1007); (hereinafter referred to as **Baguma et al.**, with **Case No. 2016-1001**);
- Group 4: Kiluwe (2016-1008); Ntawiniga (2016-1009); Macara (2016-1010); Maninga (2016-1011); Nyenyezi (2016-1012); Walonkonga (2016-1013); and, Mparanyi (2016-1014); (hereinafter referred to as **Kiluwe et al.**, with **Case No. 2016-1008**);
- Group 5: Kisubi (2016-1015); Mungwasi (2016-1016); Buhendwa (2016-1017); Owanga (2016-1018); Kalulua (2016-1019); Miruho (2016-1020); and, Kabuka (2016-1021); (hereinafter referred to as **Kisubi et al.**, with **Case No. 2016-1015**);
- Group 6: Ramazani (2016-1022); Mbilizi (2016-1023); Ntumba (2016-1024); Samano (2016-1025); Mughanza (2016-1026); Kibari-Muzinga (2016-1027); and, Shabani (2016-1028); (hereinafter referred to as **Ramazani et al.**, with **Case No. 2016-1022**); and,
- Group 7: Nkashama (2016-1029); Ntapaka (2016-1030); Kaningini (2016-1031); Shalukoma (2016-1032); Namegabe (2016-1033); Bishimire (2016-1047); and, Kishimbi (2016-1048) (hereinafter referred to as **Nkashama et al.**, with **Case No. 2016-1029**).

IT IS FURTHER ORDERED that any further filings and submissions by any of the parties should be filed under the case number corresponding to their assigned group – i.e., No. 2016-986 (*Kagizi et al.*); 2016-994 (*Wanza et al.*); 2016-1001 (*Baguma et al.*); 2016-1008 (*Kiluwe et al.*); 2016-1015 (*Kisubi et al.*); 2016-1022 (*Ramazani et al.*); and, 2016-1029 (*Nkashama et al.*).

Original and Authoritative Version: English

Dated this 6th day of June 2017
in Port of Spain, Trinidad and Tobago

(Signed)
Judge Deborah Thomas-Felix,
President

Entered in the Register on this 6th day of
June 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar