



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2024-1957

Mirriam Nalugya Kiingi
(Respondent/Applicant)

v.

Secretary-General of the United Nations
(Appellant/Respondent)

ORDER No.588 (2024)

1. On 4 September 2024, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) issued Judgment No. UNDT/2024/057 in the matter of *Kiingi v. Secretary-General of the United Nations* (impugned Judgment). The UNDT rescinded the disciplinary decision to separate Ms. Mirriam Naguya Kiingi (Ms. Kiingi) from service for misconduct, set compensation in lieu of reinstatement at two years' net-base salary and set aside the sanction of recouping from her the medical expenses that had been disbursed.
2. On 4 November 2024, the Secretary-General filed an appeal of the impugned Judgment.
3. On 16 December 2024, Ms. Kiingi filed a "Motion for an Expedited Hearing of the Appeal on Humanitarian Grounds". Ms. Kiingi requests that the Appeals Tribunal, at the earliest opportunity, assign the appeal to a panel of Judges and schedule it for hearing.
4. Ms. Kiingi asserts that the Motion is filed to protect the interests and well-being of her children and herself, and submits the following. She has been out of work since 22 March 2023 when she was notified of her separation from service. She is a widow, has three children and other dependent family members. She was in line to receive an offer from another international organization, which did not materialize once the Secretary-General issued a negative reference about her misconduct, a decision that has now been overturned by the UNDT. As she has not been able to earn an income, her humanitarian

situation has become precarious and she has not been able to support her children and herself. There is a real danger of irreparable harm to her children who are not enrolled in school due to the lack of resources.¹ The request is made on humanitarian considerations and in the interests of justice.

5. On 18 December 2024, the Secretary-General filed a response to the Motion. The Secretary-General submits that, by the nature of its subject-matter jurisdiction, the cases before the Appeals Tribunal affect the financial well-being of the staff members whose cases are set before it and trusts it to set its docket in a manner most serving the interests of justice.

6. Pursuant to Article 18*bis*(1) of the UNAT Rules of Procedure, the President may issue any order which appears to be “appropriate for the fair and expeditious management of the case and to do justice to the parties”.

7. The Appeals Tribunal has granted a motion for expedited consideration of an appeal when the appeal affects the proceedings in a related case before the UNDT or the Appeals Tribunal, e.g., where the UNDT has suspended its proceedings until the Appeals Tribunal addresses the interlocutory appeal² or another appeal has been placed on the docket of the Appeals Tribunal in a factually-related dispute between the same parties,³ or other exceptional circumstances are shown to exist, e.g., the appealed Order has a direct and continuing impact on a recruitment process.⁴

8. I find that Ms. Kiingi has demonstrated exceptional circumstances for expediting the consideration of the Secretary-General’s appeal. She awaits the payment of in-lieu compensation in the amount of two years’ net-base salary awarded to her by the UNDT in the impugned Judgment, the execution of which is suspended by the filing of the appeal in accordance with Article 7(4) of the UNAT Statute. Therefore, the appeal affects her financial rights as preliminarily established by the UNDT. Given that her submissions have not been disputed by the Secretary-General and are *prima facie* convincing, the time during which the present appeal is pending has significant consequences for her financial

¹ Ms. Kiingi also argues that delays in the United Nations internal system of administration of justice will lead her children and herself to suffer “real, irreparable and moral harm”.

² *ABA v. Secretary-General of the United Nations*, Order No. 565 (2024).

³ *Belkhabbaz v. Secretary-General of the United Nations*, Order No. 332 (2018).

⁴ *Siri v. Secretary-General of the United Nations*, Order No. 245 (2015).

situation and the material situation of her dependent family members. In the circumstances, it appears to be appropriate for the fair and expeditious management of the case and to do justice to both parties to consider the appeal at the Spring Session.

IT IS HEREBY ORDERED that Ms. Kiingi's Motion for Expedited Hearing of the Appeal is **GRANTED** and the Secretary-General's appeal will be reviewed in the UNAT's 2025 Spring Session.

Original and Authoritative Version: English

Decision dated this 26th day of December 2024
in Beijing, China.

(Signed)
Judge Gao,
President

Order published and entered in the Register on this
26th day December 2024 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar