



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2015/174
UNDT/NBI/2015/175
UNDT/NBI/2015/176
Order No.: 040 (NBI/2017)
Date: 16 February 2017
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NGERO
WANI
SEBUKAKARI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for the Applicant:
Daniel Trup, OSLA

Counsel for the Respondent:
Steven Dietrich, ALS/OHRM
Alister Cumming, ALS/OHRM

Introduction

1. The Applicants are staff members of the United Nations Regional Service Centre (RSCE) in Entebbe. On 30 November 2015, they filed separate applications challenging the decisions by the Administration not to consider their requests to grant them compensation for breaches of United Nations obligations concerning their “detention and charging” by local law enforcement.

2. The Respondent filed replies to the applications on 4 January 2016 contending that the applications were not receivable because: (i) the Applicants failed to request management evaluations of the impugned administrative decisions; and (ii) there have been no final administrative decisions within the meaning of the Dispute Tribunal’s Statute.

3. On 23 January 2017, the Tribunal issued Order Nos. 014 (NBI/2017), 015 (NBI/2017) and 016 (NBI/2017) inviting the parties to submit their views in relation to the consolidation of the three cases.

4. On 10 February 2017, the Tribunal issued Order No. 034 (NBI/2017) consolidating the cases numbered UNDT/NBI/2015/174, UNDT/NBI/2015/175 and UNDT/NBI/2015/176.

Deliberations

5. The Tribunal considers it necessary, for a fair and expeditious disposal of the proceedings, that the parties provide the following information.

ORDERS:

6. By or before **Tuesday, 21 February 2017:**

a. The Applicants shall provide further and better particulars of the date when they became aware of the waiver of their immunity;

b. The Applicants shall file submissions in response to the Respondent’s objections to the applications on the grounds of receivability;

c. The Respondent shall file Code cables CCX 248 of 3 May 2012, CCX 260 of 9 May 2012 and the Code Cable from UNHQ dated 15 May 2012; and

d. The Respondent shall apprise the Tribunal on the status of the review of the Applicants' compensation requests by the Officer-in-Charge of the Legal Affairs Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and/or the Office of Legal Affairs which was under active consideration as of 30 October 2015

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 16th day of February 2017

Entered in the Register on this 16th day of February 2017

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi