



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2015/174
UNDT/NBI/2015/175
UNDT/NBI/2015/176
Order No.: 052 (NBI/2017)
Date: 9 March 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 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.

4. On 16 February 2017, the Tribunal issued Order No. 040 (NBI/2017) inviting the parties to make additional submissions in response to questions posed by the Tribunal.

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 **Friday, 10 March 2017:**

a. The Respondent is directed to produce the following:

i. the notification that was sent/given/told to the Applicants in 2012 regarding the waiver of their immunity;

ii. proof of when the notification was sent, if applicable;

- iii. any/all communications between MONUSCO/RSCE and the Ugandan Ministry of Foreign Affairs between 14 April and 16 May 2012; and
 - iv. a copy of any internal investigation report that was compiled on the incident.
- b. The Applicants are directed to make submissions on:
- (i) whether they received notification of the waiver of their immunity;
 - (ii) how the notification was communicated to them (email, orally, faxed, in writing, hand delivered or mailed); and
 - (iii) if so, the date upon which they received the notification.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 9th day of March 2017

Entered in the Register on this 9th day of March 2017

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi