



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/033

Order No.: 209 (NBI/2019)

Date: 6 December 2019

Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KRISTENSEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Nusrat Chagtai, AAS/ALD/OHR

Background

1. On 1 March 2018, the Applicant, a P-5 Senior Civil Affairs Officer/Field Coordinator with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), filed an application contesting the decision not to place him on the roster of pre-approved candidates for D-1 Head of Office, Political Affairs.

2. The reply was filed on 3 April 2018.

Case Management Discussion (CMD)

3. The Tribunal held a CMD on 5 December 2019. The Respondent suggested that the case may be decided on the basis of the documentary record. This was justified by the nature of the contested decision and that the facts and issues were clear.

4. The Applicant concurred with the proposal to have the matter decided on the basis of documentary evidence on condition that he was given access to interview notes, a full list of the interview Panel and any material documents relating to the contested interview to enable him prepare his written submissions.

5. The Tribunal is of the view that the documents on record clearly disclose the nature of the dispute and the response, but that the Applicant should actively seek the assistance of counsel to help him formulate the legal issues arising from his factual narration of the contested decision so that the alleged breach of his rights is supported by specific legal provisions and jurisprudence.

6. The Applicant asked for at least four weeks, excluding leave days, after receiving the additional documentary materials from the Respondent to prepare his final submissions as guided. The Respondent also asked for adequate time excluding leave days to organize the requested documents and at least seven days after the Applicant's submissions to file a response to the submissions if necessary.

ORDERS

7. By 27 December 2019, the Respondent shall file with the Registry the interviews notes of the Panel for the D-1 Head of Office, Political Affairs post. The Respondent shall also provide a full list of the members of the interview Panel and any other relevant documents that may assist the Applicant and the Tribunal in the fair and expeditious disposal of the case.

8. By 22 February 2020, the Applicant shall fortify his submissions to include relevant citations of and from the Staff Regulations, Rules, Administrative Issuances and jurisprudence to prove that his contractual rights were violated during the rostering/interview process. The submissions must not be a repetition of the submissions already presented in his application and shall be concise.

9. The Respondent shall submit a response to the Applicant's submissions by 28 February 2020. The submissions shall be restricted to new issues, if any, that may be raised by the Applicant relating to the additional documents. There is be no need to repeat submissions already on record.

Delivery of Judgment

10. As per the Code of Conduct of the Judges of the UNDT, section 7(b) on competence and diligence, judgment shall be delivered on 31st March 2020 or, at the latest, not later than three months from the date of receipt of final submissions from both parties.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 6th day December 2019

Entered in the Register on this 6th day December 2019

(Signed)

Eric Muli, Legal Officer, for,
Abena Kwakye-Berko, Registrar, Nairobi