



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/041
Order No.: 213 (NBI/2019)
Date: 10 December 2019
Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

RUBVUTA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER RESCHEDULING THE CASE
MANAGEMENT DISCUSSION**

Counsel for the Applicant:
Sètondji Roland Adjovi

Counsel for the Respondent:
Elizabeth Gall, AAS/ALD/OHR

Background

1. The Applicant is a former Special Assistant, Political Affairs at the P-4 level with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).
2. On 28 March 2018, he filed an application contesting the non-renewal of his appointment beyond 31 December 2017 following, what he claims to be, a flawed performance appraisal.
3. The Respondent filed a reply on 3 May 2018.
4. On 22 October 2019, the parties were informed that the case has been assigned to the present Judge.

Case Management Discussion (CMD)

5. The Tribunal scheduled a CMD for 9 December 2019.
6. At the CMD, Counsel for the Respondent appeared in person and the Registry contacted Counsel for the Applicant on the mobile number provided. Counsel for the Applicant was, however, in a moving vehicle at the time of the case management discussion. The Tribunal suggested to Counsel to stop the vehicle, hold the CMD, conclude and resume his trip but he refused to consider the suggestion. The combination of loud interference and poor connection from being in a moving vehicle, compelled the Tribunal to adjourn the proceedings.
7. The Applicant's Counsel explained his circumstances at the time of the CMD by suggesting that it was because the Registry had failed to consult him when setting the date for the CMD. This excuse is untenable. Counsel had several weeks to seek an adjournment of the CMD given the date the Order was issued. The Tribunal considers Counsel's excuse to be a disingenuous afterthought.
8. The Tribunal urges the Applicant and Counsel acting on his behalf to afford these proceedings the seriousness it deserves.

ORDERS

9. A CMD will take place on 13 January 2020 at 3.30 pm (Nairobi Time, UTC +3) in the United Nations Dispute Tribunal Boardroom to:

- a. Ascertain whether the parties are amenable to considering informal resolution of the dispute;
- b. Discuss the claims and issues in the case;
- c. Identify the factual and legal issues to be determined;
- d. Consider what further information, if any, is required;
- e. Identify any documents to be disclosed;
- f. Consider if the case may be decided on the basis of the documents, or whether a hearing should be held, and, if there is to be a hearing, to set the dates, identify the witnesses to be called, and the documents to be presented; and
- g. Discuss any other matter relevant to these proceedings.

10. The parties or their duly designated representatives must be present at the discussion either in person or, where unavailable or where directed by the Tribunal, by electronic means.

11. If a party intends to appear by electronic means, he or she should provide the Registry with his or her contact information including a land line telephone number before the hearing and no later than 6 January 2020.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 10th day December 2019

Entered in the Register on this 10th day December 2019

(Signed)

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