



Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

RUBVUTA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

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 P4/VI 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.
5. The Tribunal scheduled a case management discussion (CMD) for 9 December 2019. 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 CMD. 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.
6. 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.
7. On 10 December 2019, the Tribunal issued Order No. 213 (NBI/2019).
8. On 10 January 2020, the Applicant filed a Motion for reconsideration of Order No. 213 (NBI/2019). In said Motion, the Applicant advances two arguments for the

reconsideration. The first is related to the factual circumstances leading to the hearing while the second one derives from the publication of Order No. 213 (NBI/2019).

9. The Tribunal held a CMD on 13 January 2020, instead of discussing the agenda on the merits of the case of the Order scheduling the CMD, the Tribunal introduced for discussion the Applicant's Motion which was brought to the Tribunal's attention earlier on the same day of the scheduled CMD concerning the matters outlined above and requiring a ruling.

10. The Parties were in agreement that the issues raised in the Motion deserved consideration before taking any further steps on the merits of the case.

ORDERS

11. Counsel for the Respondent shall submit a response to the Motion by 20 January 2020.

12. The Registry shall consider the Motion with respect to the issues raised concerning the Tribunal's practice on communication, consultation, dissemination and publication of its Orders by 27 January 2020.

13. The Applicant shall submit a reply to the submissions raised in paragraphs 11 and 12 of this Order by 3 February 2020.

14. The Tribunal shall deliver its ruling on the Motion on 10 February 2020.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 14th day of January 2020

Entered in the Register on this 14th day of January 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi