



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/041
Order No.: 084 (NBI/2020)
Date: 4 May 2020
Original: English

Before: Judge Eleanor Donaldson-Honeywell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

RUBVUTA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:
Sètonджи Roland Adjovi

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

Introduction

1. The Applicant served as a Special Assistant, Political Affairs, at the P4/VI level with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”). He held a fixed term appointment and was based in Bangui, Central African Republic.

Procedural History

2. On 28 March 2018, the Applicant filed an application challenging 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 June 2018, the Applicant sought leave to file a response to the reply in order to correct “numerous false and/or unsupported statements”.¹ On 31 July 2018, the Respondent sought leave to file supplementary submissions to the reply and to respond to the new submissions and documents disclosed in the Applicant’s motion of 22 June 2018.²

5. On 9 November 2018, the Applicant in turn sought leave to file a response to the Respondent’s motion of 31 July 2018.³

6. Several procedural issues were addressed subsequent to the filings of the parties’ pleadings, including the assignment of this matter to a different judge.

7. On 16 April 2020, the Tribunal issued Order No. 069 (NBI/2020) asking the parties to make joint submissions on the facts and issues in dispute and to

¹ Applicant’s motion dated 22 June 2018.

² Respondent’s motion dated 31 July 2018.

³ Applicant’s motion dated 9 November 2018.

indicate if they are amenable to having this matter settled without recourse to litigation.

8. The parties were unable to agree on a joint list of facts and issues, and filed separate submissions in response to Order No. 069 (NBI/2020).

9. The Applicant submits that he has submitted a settlement proposal to the Respondent. The latter, however, does not consider this matter suitable for alternative dispute resolution.

ORDERS

10. The Tribunal has reviewed the parties' most recent submissions and considers it necessary to hear them both at a case management discussion ("CMD").

11. A CMD will take place on **Thursday, 7 May 2020 at 4.00 p.m. (Nairobi Time, UTC +3)** using Microsoft Teams. At the CMD, the Tribunal and the parties will:

- a. Discuss the claims and issues in the case;
- b. Identify the factual and legal issues to be determined;
- c. Consider what further information, if any, is required;
- d. Consider if this case is suitable for a determination on the basis of the parties' written submissions; and
- e. Discuss any other matter relevant to these proceedings.

12. As this CMD is being held virtually with all parties appearing from their respective locations, counsel are requested to provide the Registry with the relevant contact details no later than **6 May 2020**.

13. The undersigned Judge reminds the parties that as her current term with the Dispute Tribunal in Nairobi is limited to three months, they must strictly adhere to the timelines that are set.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 4th day of May 2020

Entered in the Register on this 4th day of May 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi