



Before: Judge Margaret Tibulya.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MWIZERWA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Jacqueline Lule, OSLA

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR, UN Secretariat
Maureen Munyolo, AAS/ALD/OHR, UN Secretariat

Introduction

1. On 8 July 2021, the Applicant, an Administrative Assistant, at the FS-4 level, working with the United Nations-African Union Hybrid Operation in Darfur (“UNAMID”) filed an application contesting UNAMID’s decision to terminate her continuing appointment without any attempt by the Administration to secure her alternative positions.¹

2. On 9 August 2021, the Respondent filed a reply where it was argued that the contested decision is lawful. The Respondent submitted that through *Inspira*, the Organization made the Applicant aware of all available FS-4 Administrative Assistant vacant positions in the United Nations Secretariat to which the Applicant could have applied. The Mission contacted other entities within the United Nations Secretariat to remind them of the Applicant’s right to priority consideration under staff rule 9.6(e). The Applicant did not apply for any of the four FS-4 Administrative Assistant job openings that were advertised in *Inspira* and that closed during the five-month period that she was on notice of the termination of her appointment and resulting separation. The Respondent further argued that the Organization fulfilled its obligations to identify suitable vacant positions. However, the Applicant failed to express interest in any of them.

3. In view of the submissions by the parties, the Tribunal has decided to hold a case management discussion (“CMD”). The purpose of the CMD is to:

- a. discuss and identify the claims and issues in the case;
- b. discuss any possibility for an amicable resolution of the case;
- c. order, as appropriate, the arrangements for a hearing on the merits of the case, including the identification of relevant witnesses; and

¹ Application, section V.

- d. generally deal with any other matter relating to the consideration and determination of this application.

ORDERS

4. A CMD in this case will take place on **13 April 2022 at 15 hours** (Nairobi Time, UTC +3) via Microsoft Teams.

5. The parties or their duly designated representatives must attend the CMD. The Registry will provide a link to access the meeting.

(Signed)

Judge Margaret Tibulya

Dated this 7th day of April 2022

Entered in the Register on this 7th day of April 2022

(Signed)

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