



Before: Judge Margaret Tibulya.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

JAMA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Timothy Liko
Teddy Okello

Counsel for the Respondent:

Federica Midiri, UNDP

Introduction

1. By Order No. 073 (NBI/2022) issued on 30 June 2022, the Tribunal scheduled a case management discussion (“CMD”) that was to be held on 7 July 2022. The purpose of the CMD was 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
- d. generally deal with any other matter relating to the consideration and determination of the application.

2. On the day of the scheduled CMD, neither the Applicant nor her Counsel turned up for the CMD. There was no response to Order No. 073 (NBI/2022). The Applicant’s Counsel did not also respond to the emails and telephone calls from the Registry.

3. On 14 July 2022, the Tribunal issued Order No. 080 (NBI/2022) and directed the Applicant to file submissions addressing (i) matters that were to be discussed at the CMD; and (ii) if she needed an oral hearing, to file a list of witnesses and a summary of what each witness will testify about.

4. The Tribunal gave a deadline to file the required submissions to no later than **19 July 2022**. The Tribunal further indicated that should the Applicant fail to file the required submissions as directed, the Tribunal would proceed to determine the application based on the documents before it.

5. On 16 July 2022, the Applicant’s Counsel wrote an email to the Registry staff indicating that the time allocated (deadline of 19 July 2022) was such an extremely short period within which to research, prepare and file the submissions, considering the weighty issues raised in their client’s application.

6. On 18 July 2022, upon the Judge's instruction, the Registry responded to the Applicant's Counsel advising them that if they needed to respond to Orders 073 (NBI/2022) and 080 (NBI/2022), they should file a formal motion through the e-filing portal.

7. Neither the Applicant nor her Counsel responded by email nor by filing a formal motion.

8. In view of the above, the Tribunal notes that the Applicant's actions may amount to purposefully delaying of the case or showing less interest in prosecuting her case.

ORDERS

9. The Applicant is hereby directed to file her closing submissions by **1 August 2022**.

10. Should the Applicant fail to file the required submissions as directed, the Tribunal will proceed to determine the application based on the documents before it.

(Signed)

Judge Margaret Tibulya

Dated this 20th day of July 2022

Entered in the Register on this 20th day of July 2022

(Signed)

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