



**Before:** Judge Francesco Buffa

**Registry:** Nairobi

**Registrar:** Wanda Carter

NGIGI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Kelvin Njuguna, TripleOKLaw Advocates LLP

**Counsel for Respondent:**

Sandra Lando, UNHCR  
Elizabeth Brown, UNHCR

## **Introduction**

1. The Applicant is a former staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Kenya. On 27 February 2024, she filed an application contesting the High Commissioner’s decision to dismiss her from service pursuant to staff rule 10.2(a)(ix).
2. The Respondent filed a reply to the application on 2 April 2024.
3. The Applicant filed a rejoinder to the reply on 14 June 2024.
4. On 28 June 2024, the parties informed the Tribunal that they were unable to settle the dispute amicably in this case.
5. The case was assigned to undersigned Judge on 5 August 2024

## **Consideration**

6. The Tribunal preliminarily notes that the Applicant complained that accusations were generic and without specific details (namely, dates and sums), and that many contradictions emerged from the witnesses’ statements; it also notes that the Applicant already gave her recollection of the facts by 71 pages, plus interviews by the Inspector General’s Office (“IGO”) and many emails in records, and that she also lodged fully defensive comments in the application with its annexes and in the rejoinder.
7. The Tribunal further considers that the alleged events took place in 2010, 2016 to 2019, that is more than five years ago. It is therefore unlikely that witnesses after all these years can recall the facts better than they did when examined by IGO, apart from any consideration of the difficulty to have them appearing in a possible hearing, given their status as protected persons or their position of relocated persons or the lack of information about their lives.
8. In this situation, the Tribunal reviewed the parties’ submissions and having in mind art. 19 of its Rules of Procedure, finds it uncertain that a hearing on the merits can add useful material to the case and will proceed to assess the relevance

of the facts already on record and to determine the matter on the basis of the documents in the case file, unless the parties find it necessary to have a hearing in order to prove specific facts, to be indicated in a detailed way.

**Conclusion**

9. In light of foregoing, the Tribunal:
  - a. Invites the parties to inform the Tribunal, by Friday, 6 September 2024, 5 p.m. (Nairobi time), if they wish to call witnesses, specifying who and on which facts (to be specifically indicated), and also indicating if witnesses, if any, are available to appear in the Nairobi courtroom.
  - b. Invites each party to comment of the necessity of the evidence requested by the Counterparty, by Monday, 9 September 2024, 5 p.m. (Nairobi time).

*(Signed)*

Judge Francesco Buffa

Dated this 3<sup>rd</sup> day of September 2024

Entered in the Register on this 3<sup>rd</sup> day of September 2024

*(Signed)*

Wanda Carter, Registrar, Nairobi