



**Before:** Duty Judge  
**Registry:** Nairobi  
**Registrar:** Wanda L. Carter

OOKO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Kelvin Njuguna Mugwe

**Counsel for Respondent:**

Nicole Wynn, AS/ALD/OHR/UN Secretariat

Victoria Nakaddu Mujunga, AS/ALD/OHR/UN Secretariat

## **Introduction**

1. By application filed on 7 October 2024, the Applicant, a former Chief of Unit, Information Systems and Telecommunications working with the United Nations Integrated Transition Assistance Mission in Sudan filed an application contesting:

- a. The 19 May 2024 decision to terminate his permanent appointment due to abolition of the post he encumbered;
- b. The decision not to retain him in service in accordance with staff rule 9.6 (c); and
- c. The decision not to pay him repatriation grant upon his separation from the Organization.

2. The Respondent submitted a reply on 7 November 2024 where it argued that the contested decisions were lawful. The Respondent maintained that:

- a. Termination of the Applicant's appointment was made under staff rule 9.6 (c) due to the abolition of the post upon closure of the Mission per the 1 December 2023 General Assembly Resolution S/Res/2715 (2023);
- b. The Organization fulfilled its obligations to make reasonable and good faith efforts to assist the Applicant in finding an alternative position. The Applicant was given priority consideration for the positions for which he was eligible and for which he applied during the applicable period of 19 May 2024 to 19 August 2024; and
- c. The Applicant has no right to a repatriation grant because his post was reassigned to his home country Kenya, where he was already residing at the time of his separation. Further, the Applicant accepted the reassignment to Nairobi after being told that there would be no exception to repatriation rules if he was reassigned.

### **Consideration**

3. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue an order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

4. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to give the Applicant an opportunity to comment on the Respondent's reply by means of a rejoinder.

### **Conclusion**

5. In view of the foregoing, it is ORDERED THAT by **Friday, 29 November 2024**, the Applicant shall file a rejoinder addressing the Respondent's arguments in the reply, and **more specifically** respond to:

- a. Paragraphs 24-27 on the lawfulness of the termination of the Applicant's appointment;
- b. Paragraphs 30-35 on the Organisation's "reasonable and good faith efforts" to retain him in service; and
- c. Paragraphs 36-37 on the Applicant's choice of reassignment to Nairobi and his full understanding of its consequences on his entitlement to the repatriation grant.

*(Signed)*

Judge Sean Wallace, Duty Judge

Dated this 13<sup>th</sup> day of November 2024

Entered in the Register on this 13<sup>th</sup> day of November 2024

*(Signed)*

Wanda L. Carter, Registrar, Nairobi