



Before: Judge Francis Belle

Registry: New York

Registrar: Nerea Suero Fontecha

MWANGI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Stanley Kihiko

Counsel for Respondent:
UNHCR

Introduction

1. On 18 September 2017, the Applicant, a Finance Associate at the G-6 level with the United Nations High Commissioner for Refugees (“UNHCR”), based in Nairobi, Kenya, filed an application contesting the decision not to select her for the post of Assistant Finance Officer after she failed a written test.

2. On 20 October 2017, the Respondent filed a reply contending that the Respondent fully complied with the applicable law with regard to a written test and the Applicant was given full and fair consideration.

3. Having considered the parties’ submissions, the Tribunal is of the view that this case is ready to be adjudicated and can be decided on the papers, unless the parties show that any additional written or oral evidence is necessary in this case. Pursuant to art. 19 of the Dispute Tribunal’s Rules of Procedure and for a fair disposal of the case,

IT IS ORDERED THAT:

4. By **4:00 p.m., Friday, 15 November 2019**, the parties are to file a jointly signed statement providing, under separate headings, the following information:

a. A consolidated list of the agreed facts. In chronological order, this list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning;

b. A consolidated list of the disputed facts. In chronological order, the list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning. If any documentary and/or oral evidence is relied upon to support a disputed fact, clear reference is to be made to the appropriate annex in the application or reply, as applicable. At the end of the disputed paragraph in square brackets, the party contesting the disputed fact shall set out the reason(s);

- c. A list of any additional written evidence, which a party requests to produce, or request the opposing party to produce, stating the relevance thereof;
- d. Whether the parties request a hearing for witnesses to provide testimony to support any disputed facts and, if so:
 - i. Provide a list of the witnesses that each party proposes to call; and
 - ii. Provide a brief statement or summary of the disputed fact(s) to be addressed by each witness;
- e. If the parties would be willing to enter into negotiations on resolving the case amicably either through the assistance of the Office of the Ombudsman and Mediation Services or *inter partes*.

(Signed)

Judge Francis Belle

Dated this 5 day of November 2019