



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/049

Order No.: 016 (NBI/2023)

Date: 24 January 2023

Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

HAYDAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Edwin Nhliziyo

Counsel for the Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Maureen Munyolo, AS/ALD/OHR, UN Secretariat

Background

1. On 8 June 2022, the Applicant, a P-3 Supply Officer with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”), filed an application before the United Nations Dispute Tribunal contesting a decision of 29 November 2021 that she described as:

The FRO [First Reporting Officer] prepared a EPAS [electronic performance appraisal] offline instead of doing it in INSPIRA as is normally the case and did it in a manner that reflected negatively on the s/m [staff member] despite the fact she was not the cause of the delay. He rated her “successfully meets performance expectations”, the comments and the majority of the individual elements rated make that rating a 'sham', only used to evade a rebuttal.

2. The Respondent filed a reply to the application on 8 July 2022 urging the Tribunal to dismiss the application as not receivable.

3. The Tribunal held a case management discussion (“CMD”) on 23 January 2023.

4. At the CMD, it was agreed that the application is receivable and that the reasons shall be provided in the Judgment on the merits.

ORDERS

5. By or before 30 January 2023, the Respondent shall file with the Registry supplementary email correspondence relating to the comments in the Applicant’s performance appraisal.

6. The Applicant shall be at liberty to file a response to the Respondent’s filing at paragraph 5 above, by or before 7 February 2023.

7. The parties shall agree on hearing dates after the exchange of documents described above and also on the date for filing the trial bundle. The parties shall communicate these dates to the Registry by or before 10 February 2023.

8. The parties or their duly designated representatives shall attend the hearings. The Registry shall provide a link to access the hearings.

9. The parties are reminded that recording of courtroom proceedings is not permitted.



Judge Rachel Sophie Sikwese

Dated this 24th day of January 2023

Entered in the Register on this 24th day of January 2023



Abena Kwakye-Berko, Registrar, Nairobi