



**Before:** Judge Vinod Boolell  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

KINYUA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**CHANGE OF VENUE ORDER**

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**Counsel for the Applicant:**

Charles Ongweso, Ongweso and Co. Advocates

**Counsel for the Respondent:**

Susan Maddox, ALS/OHRM  
Cristiano Papile, ALS/OHRM  
Katya Melliush, UNON

## **Introduction and Procedural History**

1. On 13 December 2013, the Applicant filed an Application with the United Nations Dispute Tribunal (Tribunal/UNDT) contesting the decision of the Assistant Secretary-General of the Office of Human Resource Management (ASG/OHRM) that there was no misconduct on the part of Dr. Ling Kituyi, following a report of the fact-finding panel that was established pursuant to ST/SGB/2008/5 (Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority).
2. The Applicant was notified of the impugned decision on 6 June 2013. She sought management evaluation on 1 August 2013. On 8 November 2013, management evaluation upheld the impugned decision.
3. The Application was served on the Respondent on 16 December 2013 and he was given up until 15 January 2014 to file his Reply.
4. On 6 January 2014, Counsel for the Respondent filed a Motion for Extension of Time to File a Reply seeking an additional three weeks.
5. On 13 January 2014, the Tribunal issued Order No. 002 (NBI/2014) granting the Respondent's motion.
6. The Respondent filed his Reply to the Application on 5 February 2014.
7. Following consultations amongst the Judges based in Nairobi and Geneva, and the respective Registries, it was decided that the present matter should be transferred to the UNDT in Geneva.
8. On 22 May 2014, the Registry wrote to the Parties seeking their views on the transfer. The Respondent indicated that he had no objections to the matter being transferred. As there was no response from the Applicant or her counsel, the Registry wrote to the Applicant on 4 June 2014 reminding her of its earlier correspondence in which her views were sought.

9. Although the Applicant received the Registry's email of 4 June 2014, there has to-date been no reply from her or counsel acting on her behalf.

**ORDER**

10. In accordance with art. 19 of the Rules of Procedure of the Tribunal, the present case is transferred to the United Nations Dispute Tribunal in Geneva with immediate effect.

11. The Tribunal also directs the Registry in Nairobi to effect the necessary arrangements for the transfer of the file to the Registry in Geneva.

*(signed)*

Judge Vinod Boolell

Dated this 13<sup>th</sup> day of June 2014

Entered in the Register on this 13<sup>th</sup> day of June 2014

*(signed)*

Abena Kwakye-Berko, Registrar, Nairobi