



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NBI/2024/079
Order No.:	43 (NBI/2025)
Date:	3 April 2025
Original:	English

Before: Duty Judge

Registry: Nairobi

Registrar: Wanda L. Carter

NABISUBI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Patrick Mugalula

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat
Victoria Mujunga, AS/ALD/OHR, UN Secretariat

Introduction

1. On 20 December 2024, the Applicant, a former G-4 Team Assistant with the United Nations Office of Internal Oversight Services (“OIOS”) in Entebbe, Uganda, filed an application contesting the outcome of the rebuttal process she commenced on 25 April 2024 and the decision to not renew her appointment due to poor performance.

2. In her application, the Applicant alleges bias and retaliatory behaviour by her First and Second Reporting Officers (“FRO and SRO”) and proposes to provide contemporaneous documentary evidence and witnesses to demonstrate the same if a hearing is held in this case.

3. The Respondent filed a reply on 7 February 2025. The Respondent argues that the application is not receivable *ratione temporis* and, should the Tribunal find the application receivable, it is without merit.

4. The Respondent further argues that: the Applicant has not met her evidentiary burden to prove that her performance appraisals were tainted with bias; that the Applicant’s harassment complaint against her SRO is irrelevant to her performance because she has not shown a nexus between her complaint and her unsatisfactory appraisal; the poor performance was corroborated by the Additional Reporting Officer; and the Rebuttal Panel found no bias.

Conclusion

5. In view of the foregoing, it is ORDERED THAT:

a. The Applicant shall file a rejoinder to the reply by 5 p.m. (Nairobi time) on **Thursday, 17 April 2025**.

b. The rejoinder shall address the receivability argument and specify exactly what “documentary evidence and witnesses” she proposes to present at a hearing, what they will show or say, and how this evidence demonstrates bias.

c. The rejoinder shall not exceed 10 pages in font Times New Roman, font size 12, line spacing of 1.5 lines. The cover page and the page containing the list of annexes and signatures shall not be included in counting the number of pages.

d. Thereafter, the Respondent shall file a submission in response to the rejoinder addressing the need for a hearing and, if so, what documents and/or witnesses he proposes to call, what they will show or say, and how that evidence demonstrates the absence of bias, by 5 p.m. (Nairobi time) on **Friday, 2 May 2025**.

e. The said submission shall not exceed 10 pages in font Times New Roman, font size 12, line spacing of 1.5 lines. The cover page and the page containing the list of annexes and signatures shall not be included in counting the number of pages.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 3rd day of April 2025

Entered in the Register on this 3rd day of April 2025

(Signed)

Liliana López Bello, for Wanda L. Carter, Registrar, Nairobi