



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/066  
Order No.: 143 (NBI/2025)  
Date: 27 August 2025  
Original: English

---

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

MWANGI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER ON CASE MANAGEMENT**

---

**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Rebecca Britnell, UNHCR

## **Introduction**

1. By application filed on 24 June 2025, the Applicant contests the decision not to select her for the post of Associate Administrative Officer, P-2, Gaalkacyo, Somalia, by the United Nations High Commissioner for Refugees.

2. She contends that her candidacy was not given full and fair consideration. She argues that, as a staff member in between assignments (“SIBA”), holding a permanent appointment, she was entitled to non-competitive priority consideration, in accordance with staff rule 9.6(c) and relevant jurisprudence of the Tribunal (*Timothy* 2018-UNAT-847 and *Andrysek* 2021-UNAT-1169).

3. The Respondent submitted a reply on 1 August 2025, where it is argued that the Applicant was afforded full and fair consideration. The Respondent submits that the Applicant was not suitable for the position. The Applicant did not meet an essential criterion indicated in the desired candidate profile: experience with high-risk environments.

4. The Respondent further argues that the Administration could never have had an obligation to consider the Applicant on either a priority basis or a non-competitive basis, applying, respectively, the High Commissioner’s Special Measures, or staff rule 9.6(c) and the principles espoused in *Timothy* and *Andrysek*.

5. In paragraph 27 of the Reply, without providing any proof, the Respondent indicates that the position in question was discontinued effective 1 July 2025.

## **Consideration**

### *Applicant’s requested remedies*

6. Among the remedies sought by the Applicant is “Priority consideration in selection of assignments as well as entitlement to good faith efforts to find me an alternative suitable post.”

7. It is important to note that this remedy is beyond the scope of this Tribunal's authority as described in art. 10.5 of the Dispute Tribunal Statute.

*Filing of a rejoinder*

8. 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.

9. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file a rejoinder and respond to the issues raised in the reply. The Tribunal also finds it appropriate to direct the Respondent to supply proof supporting its assertion that the position in question was discontinued effective 1 July 2025.

*Amicable settlement*

10. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

**Conclusion**

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

- a. By **Wednesday, 10 September 2025**, the Applicant shall file a rejoinder and respond to the issues raised in the reply and more particularly, respond to the Respondent's arguments contained in paras. 44 to 47 of the reply. The rejoinder shall be no longer than five pages.
- b. By the same date, the Respondent shall provide proof of the discontinuance of the position in question.

c. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Wednesday, 17 September 2025**.

*(Signed)*

Judge Sean Wallace (Duty Judge)

Dated this 27<sup>th</sup> day of August 2025

Entered in the Register on this 27<sup>th</sup> day of August 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi