



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2023/019
UNDT/NBI/2023/020
UNDT/NBI/2023/021
UNDT/NBI/2023/022
UNDT/NBI/2023/023
UNDT/NBI/2023/024
UNDT/NBI/2023/025
UNDT/NBI/2023/026
UNDT/NBI/2023/027
UNDT/NBI/2023/028

Order No.: 119 (NBI/2023)

Date: 14 July 2023

Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Abena Kwakye-Berko

BISIMWA et al.

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Julia Kyung Min Lee, OSLA
Ana Giulia Stella, OSLA

Counsel for the Respondent:

Andrea Ernst, DAS/ALD/OHR, UN Secretariat
Jacob van de Velden, DAS/ALD/OHR, UN Secretariat

Introduction

1. By applications filed on 3 March 2023, the 10 Applicants are contesting decisions dated 22 August 2022 by the Under-Secretary-General, Department of Management Strategy, Policy and Compliance, to delay the issuance of their P.35 (Personnel/Payroll Clearance Action) forms and the release of their PF.4 (Separation Notification) forms until the conclusion of Office of Internal Oversight Services (“OIOS”) investigations against them for possible fraud.

2. The cases were registered as follows:

- a. UNDT/NBI/2023/019 (Bisimwa);
- b. UNDT/NBI/2023/020 (Kalambi);
- c. UNDT/NBI/2023/021 (Kawende);
- d. UNDT/NBI/2023/022 (Afazali);
- e. UNDT/NBI/2023/023 (Mukwamba);
- f. UNDT/NBI/2023/024 (Mutombo);
- g. UNDT/NBI/2023/025 (Amisi);
- h. UNDT/NBI/2023/026 (Kabila);
- i. UNDT/NBI/2023/027 (Ngoie Mwenge); and
- j. UNDT/NBI/2023/028 (Muselemu).

3. The Respondent filed replies on 11 April 2023.

4. By Order No. 085 (NBI/2023), issued on 19 May 2023, the Tribunal directed the parties to indicate whether they intended to make any further submissions, or

whether they agree that the Tribunal proceed to judgment based on the record before it.

5. On 25 May 2023, the Applicant's Counsel filed a response to the Order indicating that there is no need for a hearing and invited the Tribunal to proceed to judgment. On the same day, the Respondent also filed his response stating that he intends to cross-examine the Applicants if the Tribunal decides to hold a (consolidated) hearing on the merits. The Respondent shall then address any remaining points in his closing submissions.

6. In view of the submissions by the parties, the Tribunal has decided to hold a case management discussion ("CMD"). The purpose of the CMD is to:

- a. discuss and identify the claims and issues in the case;
- b. discuss any possibility for an amicable resolution of the case;
- c. order, as appropriate, the arrangements for a hearing on the merits of the case, including the identification of relevant witnesses; documentary evidence and
- d. generally deal with any other matter relating to the consideration and determination of this application.

ORDERS

7. A CMD in this case will take place on **20 July 2023 at 10 a.m.** (Nairobi Time, UTC +3) via Microsoft Teams.

8. The parties or their duly designated representatives must attend the CMD. The Registry will provide a link to access the meeting.

Case Nos.: UNDT/NBI/2023/019-
UNDT/NBI/2023/028

Order No.: 119 (NBI/2023)

(Signed)

Judge Sean Wallace

Dated this 14th day of July 2023

Entered in the Register on this 14th day of July 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi