



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Before the United Nations Dispute Tribunal:

Case Nos. UNDT/GVA/2017/020, UNDT/GVA/2017/29-33, UNDT/GVA/2017/36-37, UNDT/GVA/2017/39-40

**Lloret-Alcaniz, Zhao, Mirella, Xie, Quijano-Evans, Ben Said,
Dedeyne-Amman, Kutner, Santini and Krings**

v.

Secretary-General of the United Nations

President's ORDER No. 283 (2017)

REQUEST FOR THE REFERRAL OF A CASE TO A UNDT PANEL OF THREE JUDGES

1. On 29 May 2017, and as supplemented and completed on 8 June 2017, Judge Rowan Downing, President of the United Nations Dispute Tribunal (UNDT or Dispute Tribunal), wrote to Judge Deborah Thomas-Felix, President of the United Nations Appeals Tribunal (Appeals Tribunal), requesting that several cases filed with the UNDT in Geneva be referred to a panel of three judges of the Dispute Tribunal, in accordance with Article 10(9) of the Dispute Tribunal's Statute. The cases are:

- UNDT/GVA/2017/020 *Lloret-Alcaniz v. Secretary-General of the United Nations*
- UNDT/GVA/2017/029 *Zhao v. Secretary-General of the United Nations*
- UNDT/GVA/2017/030 *Mirella v. Secretary-General of the United Nations*
- UNDT/GVA/2017/031 *Xie v. Secretary-General of the United Nations*
- UNDT/GVA/2017/032 *Quijano-Evans v. Secretary-General of the United Nations*
- UNDT/GVA/2017/033 *Ben Said v. Secretary-General of the United Nations*
- UNDT/GVA/2017/036 *Dedeyne-Amman v. Secretary-General of the United Nations*
- UNDT/GVA/2017/037 *Kutner v. Secretary-General of the United Nations*
- UNDT/GVA/2017/039 *Santini v. Secretary-General of the United Nations*
- UNDT/GVA/2017/040 *Krings v. Secretary-General of the United Nations*

2. Judge Downing requests that the President of the Appeals Tribunal refer these cases to a panel of three judges of the Dispute Tribunal due to the fact that:

- a. A decision in these cases will have to address a number of complex legal issues regarding the competence of the Dispute Tribunal, the regulatory powers of the General Assembly, acquired rights and the principle of equal treatment of staff members, amongst other questions; and,

b. A decision in these cases is likely to impact the United Nations as a whole and several thousands of staff members, as they challenge the implementation, effective 1 January 2017, of the new Unified Salary Scale for staff members in the Professional and higher categories.

3. In his request, Judge Downing further notes that the Dispute Tribunal “as a whole has thus far received 33 cases from staff members located at different duty stations and working for various entities within the Organization” and that it “appears highly likely that there will be additional applications filed involving the same issues” identified above.

4. Article 10(9) of the Dispute Tribunal’s Statute provides:

Cases before the Dispute Tribunal shall normally be considered by a single judge. However, the President of the United Nations Appeals Tribunal may, within seven calendar days of a written request by the President of the Dispute Tribunal, authorize the referral of a case to a panel of three judges of the Dispute Tribunal, when necessary, by reason of the particular complexity or importance of the case. Cases referred to a panel of three judges shall be decided by a majority vote.

5. Article 2(3) of the Rules of Procedure of the Appeals Tribunal stipulates:

The President of the Appeals Tribunal may, within seven calendar days of a written request by the President of the Dispute Tribunal, authorize the referral of a case to a panel of three judges of the Dispute Tribunal, when necessary, by reason of the particular complexity or importance of the case.

6. The arguments raised by Judge Downing conform to the grounds for a referral as identified in the aforementioned provisions of both the Dispute and Appeals Tribunals.

7. For the foregoing reasons, the Appeals Tribunal refers the cases to a panel of three judges of the Dispute Tribunal, in accordance with Article 2(3) of the Rules of Procedure of the United Nations Appeals Tribunal. In the interest of judicial economy, the Appeals Tribunal includes in this referral any additional cases that may be filed with the UNDT in Geneva subsequent to the issuance of this Order that involve the same issues.

Original and Authoritative Version: English

Dated this 13th day of June 2017
in Port of Spain, Trinidad and Tobago

Entered in the Register on this 13th day of
June 2017 in New York, United States.

(Signed)
Judge Deborah Thomas-Felix,
President

(Signed)
Weicheng Lin, Registrar