



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2011/065

Order No.: 183 (GVA/2011)

Date: 25 October 2011

Original: English

Before: Judge Thomas Laker

Registry: Geneva

Registrar: Anne Coutin, Officer-in-Charge

LORAND

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for Applicant:
Alexandre Tavadian, OSLA

Counsel for Respondent:
Shelly Pitterman, UNHCR

Introduction

1. On 12 October 2011, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees, filed an application against the decision to terminate her indefinite appointment with effect from 31 October 2011.

2. In her application, she requested that the matter be heard on an expedited basis, arguing that unless such request was granted, she would “remain without work and without any source of income for several months”. She relied on *Yisma* UNDT/2011/061, stating that the urgency of the matter and her inability to request a suspension of action on the contested decision pursuant to article 14.1 of the Tribunal’s Rules of Procedure constituted exceptional circumstances justifying an expedited disposition of the case.

3. The Applicant further contested, *inter alia*, the Respondent’s refusal to provide her with the minutes of the meetings of the Comparative Review Panel (“CRP”) and Regional Appointments, Promotions and Postings Committee (“APPC”) related to her termination.

4. On 13 October 2011, the Tribunal acknowledged receipt of the application and requested the Respondent to (a) submit comments by 20 October 2011 on the Applicant’s request that the matter be heard on an expedited basis, and (b) file his reply on the application by 14 November 2011.

5. On 20 October 2011, the Respondent filed comments on the Applicant’s request for an expedited hearing. The Respondent submitted that there were no grounds in this case which would justify an expedited hearing of the matter, noting in particular that the Applicant would be entitled to termination indemnities in the sum of approximately 50,000 EUR upon separation. He also provided a number of documents, including the minutes of the CRP and Regional APPC meetings related to the Applicant’s termination. The Respondent submitted the CRP minutes under seal and requested that they be treated as confidential and not be shared with the Applicant in their current unredacted form.

Consideration

6. Having considered the Applicant's request for an expedited hearing of her case, the Tribunal finds no grounds for granting it.

7. In *Yisma* UNDT/2011/061, the Tribunal granted the Applicant's request for an expedited consideration of the matter "on an exceptional basis" and not because of "exceptional circumstances". The Tribunal also stated that "expedited consideration of cases disrupts the ordinary course of business of an extremely busy Tribunal and such applications must be discouraged. Counsel should take a very considered and firm decision before moving applications of this nature".

8. This statement is all the more true since 20 per cent of the applications filed before this Tribunal relate to separation from service, excluding separation as a disciplinary measure. The mere filing of requests for expedited hearings in all such cases would impose a disruptive burden on the Tribunal's normal operations and granting such requests other than on an exceptional basis would not be fair to other applicants.

9. In the present case, the Applicant's argument that she will remain without work and without any source of income for several months is unpersuasive in so far as she is entitled to termination indemnities which represent several months salary and that there is nothing preventing her from seeking alternative employment.

10. In the circumstances of the case, the Tribunal finds that it is neither in the interest of justice, nor necessary for the fair and expeditious disposal of the case to grant the Applicant's request for an expedited hearing. Accordingly, the request is denied.

11. As regards the minutes of the CRP meeting, the Tribunal finds that they are relevant to the Applicant's case and for the Tribunal to pass judgment on the application. They must therefore be shared with the Applicant. The Tribunal is mindful however that they contain information of a personal nature pertaining to other staff members and accordingly, that they should be treated as confidential and shared with the Applicant in a redacted form.

IT IS ORDERED THAT:

12. The Applicant's request for an expedited consideration of her case is denied.

13. The Registry will transmit to the Applicant a redacted version of the minutes of the CRP meeting of 8 June 2011, from which the names of other staff members considered during the comparative review have been deleted.

14. The Applicant shall keep the above-mentioned document confidential. In particular, she shall not disclose, use, show, convey, disseminate, copy, reproduce or in any way communicate them to anyone without the written permission of the Respondent or further order of this Tribunal.

(Signed)

Judge Thomas Laker

Dated this 25th day of October 2011

Entered in the Register on this 25th day of October 2011

(Signed)

Anne Coutin, Officer-in-Charge, Geneva Registry