



Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: René M. Vargas M.

DAHL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF PROCEEDINGS

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1. On 13 March 2013, the Applicant, who is a staff member at the International Criminal Tribunal for the former Yugoslavia (“ICTY”), serving as Senior Appeals Counsel, filed an application contesting the decision of 29 August 2012 to reassign her away from the Appeals Division of the Office of the Prosecutor and to terminate her responsibilities for all current and future appeal assignments.

2. On 2 April 2013, the Respondent submitted a motion for a preliminary determination on the issue of the application’s receivability, explaining that the Prosecutor of the ICTY had informed the Applicant through email on 28 March 2013 that the contested decision would not be implemented and that the Management Evaluation Unit had concluded on the same day that this rendered the matter moot.

3. On 19 April 2013, the Applicant submitted her comments on the Respondent’s motion, noting that the contested decision had already been implemented in all material aspects, and requesting that the matter be referred to mediation and that the proceedings of the Tribunal be suspended during mediation.

4. On 29 April 2013, by its Order No. 47 (GVA/2013), the Tribunal rejected the Respondent’s motion for leave to have receivability considered as a preliminary issue and ordered the Respondent to file his full reply by no later than Wednesday, 29 May 2013. In addition, the Tribunal rejected the Applicant’s request for suspension of proceedings.

5. On 24 May 2013, the parties filed a joint request for referral to mediation and suspension of the proceedings for a period of two months, including the filing of the Respondent’s reply, as they have agreed to engage in mediation proceedings with the United Nations Ombudsman and Mediation Service.

Consideration

6. Paragraph 7 of the Tribunal's Practice Direction No. 3 on Mediation dated 27 April 2012 stipulates that

Suspension of proceedings pending mediation

7. Upon receipt of notice by the Mediation Division that it agrees to mediate the case, the Tribunal will issue an order suspending the proceedings pending mediation, for a period normally not exceeding three months.

7. Therefore, before suspending the proceedings, the Tribunal shall receive a confirmation whether or not the Mediation Division in the Office of the Ombudsman has accepted to assist the parties in reaching an amicable settlement.

IT IS ORDERED THAT:

8. If the Mediation Division in the Office of the Ombudsman agrees to mediate a settlement in the instant case, the parties and/or the Mediation Division shall inform the Tribunal thereof without delay.

9. Consequently, for the time being and until such confirmation is received, the request for suspension of proceedings is rejected.

(Signed)

Judge Jean-François Cousin

Dated this 27th day of May 2013

Entered in the Register on this 27th day of May 2013

(Signed)

René M. Vargas M., Registrar, Geneva