



**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** Geneva

**Registrar:** René M. Vargas M.

GUETGEMANN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Jerôme Blanchard, UNOG

Miriana Belhadj, UNOG

## **Introduction**

1. The Applicant was a Programme Assistant at the United Nations Conference to Combat Desertification (“UNCCD”) in Bonn.
2. On 8 June 2019, she filed an application with the United Nations Dispute Tribunal (“UNDT”) to contest the decision to not renew her fixed-term appointment and separate her from service.
3. The Respondent filed his reply on 8 August 2019 and an additional submission on 23 March 2020. It is the Respondent’s case that the application is not receivable. On the merits, the Respondent contends that the impugned decision was lawful and that the application should be dismissed in its entirety.
4. The Applicant filed an *ex parte* motion with further submissions and documents attached on 4 January 2021.
5. On 4 February 2021, the Tribunal issued Order No. 26 (GVA/2021) setting this matter down for a case management discussion (“CMD”).
6. The CMD took place, as scheduled, on 15 February 2021.

## **The Discussion**

7. The Tribunal began by recognising a sensitive issue which was raised by the Applicant in her submissions. The Tribunal drew the Respondent’s attention to those submissions and made the point that the issues raised there makes this case particularly suitable for alternative dispute resolution to be explored.
8. While urging the parties to seriously consider having this matter resolved *inter partes*, the Tribunal also recognised the difficulties that self-represented applicants might face in the process of settlement discussions.
9. The Tribunal strongly urged the Applicant to consider securing the assistance of Counsel and suggested that the Office of Staff Legal Assistance (OSLA) might be best placed to assist the Applicant. The Applicant was receptive of the Tribunal’s suggestion.

10. The Tribunal also dealt with the issue of disclosure of the submissions that the Applicant filed *ex parte*. The parties agreed that the submissions can be redacted by the Registry and disclosed to the Respondent without the attachments that were filed with it.

11. The Tribunal drew the Applicant's attention to the Respondent's motion, dated 23 March 2020, on the receivability of the non-renewal decision which she impugns.

12. On the matter of adjudication should settlement discussions fail, the Tribunal took the view that this dispute can be decided on the basis of their written submissions. Neither party objected to this proposition.

### **Considerations and Order**

13. The Tribunal issues the following **DIRECTIONS** to the Registry and the parties for the expeditious management of this case:

- a. The Registry will serve a copy of this Order on OSLA for their engagement on potential representation of the Applicant;
- b. The Applicant will herself contact OSLA and inform the Tribunal on her representation by **Friday, 19 February 2021**;
- c. Counsel for the Respondent will seek instructions from his client on their amenability to having this dispute settled *inter partes*;
- d. The Registry will redact the Applicant's *ex parte* submissions and disclose them to the Respondent by **Friday, 19 February 2021**;
- e. The parties will jointly advise the Tribunal on the status of their *inter partes* discussion and the likelihood of it being fruitful by **Friday, 5 March 2021**; and

f. In the event that settlement discussions are unsuccessful, the Respondent will file his closing submission by **Friday, 12 March 2021**.

14. The Tribunal reiterated the importance of the parties engaging in settlement discussions, in good faith, so that this matter may be resolved without recourse to further litigation.

*(Signed)*

Judge Eleanor Donaldson-Honeywell

Dated this 16<sup>th</sup> day of February 2021

Entered in the Register on this 16<sup>th</sup> day of February 2021

*(Signed)*

René M. Vargas M., Registrar, Geneva