



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

ROSS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR EXPEDITED
CONSIDERATION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Marisa MacLennan, UNHCR

Louis Lapicerella, UNHCR

Introduction

1. On 14 March 2021, the Applicant, a former staff member of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application with the Tribunal contesting the decision “not to provide [him] with an effective remedy to [a] harassment, abuse of authority and retaliation complaint”.
2. On 14 April 2021, the Respondent filed his reply arguing, *inter alia*, that the application is *res judicata* and that it is not receivable *ratione materiae*.
3. On 27 April 2021, the Applicant filed a motion to expedite the consideration of his case. In his motion, he claims that UNHCR has failed to investigate his allegations of harassment and abuse of authority into events that took place in 2016 and 2017. He argues that he has been blacklisted in retaliation for seeking justice.
4. The Applicant claims that the decision to delay an investigation into his complaint is in contravention of the Tribunal’s ruling in *Reilly* UNDT/2019/094 and that not expediting the consideration of his case “would 1) render an investigation even more meaningless than it probably already is and 2) allow the Respondent to further avoid justice and accountability”.
5. On 4 May 2021, the Respondent, at the Tribunal’s request, responded to the Applicant’s motion indicating that he does not have a position on it and deferring to the Tribunal’s decision. However, the Respondent noted that “the Applicant is re-arguing his case and does not cite any legal standard [for his request to be granted] or show how he meets this standard”.

Consideration

6. As the Appeals Tribunal stated in *Bertucci* 2010-UNAT-062, the Dispute Tribunal has broad discretion with respect to case management and, as a court of first instance, it is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and to do justice to the parties. With respect to the order for consideration of cases, the Tribunal has to manage its case docket and its

limited and over-stretched resources in a manner that allows for the most expeditious and fair disposal of its cases.

7. In *Yisma* UNDT/2011/061, the Tribunal granted the Applicant's request for an expedited consideration of the matter "on an exceptional basis". The Tribunal also stated that "expedited consideration of cases disrupts the ordinary course of business of an extremely busy Tribunal and such application must be discouraged. Counsel should take a very considered and firm decision before moving applications of this nature".

8. Currently the Geneva Registry is seized of 63 cases and, as of the date of this Order, 57 cases were received before the Applicant's case, which was only filed in March 2021. Cases are, in principle, dealt with in chronological order of filing and the Tribunal is currently focusing its efforts in reviewing the oldest cases in its docket, in accordance with the backlog elimination plan introduced in January 2020.

9. The review of motions for expedited consideration of cases imposes 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 (*Lorand* Order No. 183 (GVA/2011)).

10. In the present case, the Applicant has not substantiated his motion nor explained the exceptional basis that may justify a depart from the Tribunal's usual practice. The Tribunal notes that the Applicant has already been separated from UNHCR and that his complaint for harassment is linked to events that took place in 2016 and 2017.

11. Given the circumstances of the case, the Tribunal finds that it is neither in the interest of justice, nor necessary for a fair and expeditious disposal of the case to grant the Applicant's request for an expedited consideration of his case.

Case No. UNDT/GVA/2021/017

Order No. 83 (GVA/2021)

IT IS ORDERED THAT

12. The Applicant's motion for expedited consideration of his case is denied.

(Signed)

Judge Teresa Bravo (Duty Judge)

Dated this 6th day of May 2021

Entered in the Register on this 6th day of May 2021

(Signed)

René M. Vargas M., Registrar, Geneva