



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

RECHDAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON MOTION FOR
SUSPENSION OF PROCEEDINGS**

Counsel for Applicant:

Shubha Suresh Naik, OSLA

Counsel for Respondent:

Rebecca Britnell, UNHCR

Charlotte Servant-L'Heureux, UNHCR

Introduction

1. By application filed on 3 November 2021, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), contests the Administration’s decision “to deny [her] telecommuting arrangements or Special Leave with Full Pay (and maternity rights) despite the Medical Unit’s affirmation of her high-risk pregnancy, as well as considering the ongoing pandemic”.
2. On 8 December 2021, the Respondent filed his reply together with a motion for leave to exceed the page limit.
3. By Order No. 90 (GVA/2022) of 18 October 2022, the Tribunal granted the Respondent’s motion to exceed the page limit, instructed the Applicant to file a rejoinder and invited the Respondent to file his comments on the Applicant’s rejoinder. In the same Order, the Tribunal also encouraged the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation in view of the specific circumstances of the case.
4. On 27 October 2022, the Applicant filed a rejoinder.
5. On 7 November 2022, the Respondent filed his comments on the Applicant’s rejoinder.
6. Noting that neither the Applicant nor the Respondent indicated in the above-mentioned submissions whether mediation would be resorted to, by Order No. 109 (GVA/2022) of 16 November 2022, the Tribunal instructed the parties to inform it whether they will engage in mediation by 28 November 2022.
7. By a joint motion filed on 28 November 2022, the parties informed the Tribunal that they had agreed to engage in informal settlement discussions with a view to amicably resolve the matter. They accordingly requested suspension of the proceedings for an initial period of seven weeks until 16 January 2023.

Consideration

8. Noting that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal commends the efforts made by the parties to seek an amicable settlement of their dispute.

9. Considering that art. 10 of the Tribunal's Statute allows it to suspend proceedings at the request of the parties for a time to be specified by it in writing, the Tribunal thus grants the parties' motion.

Conclusion

10. In view of the foregoing, it is ORDERED THAT:

a. The proceedings before the Tribunal in the present case be suspended until **Monday, 16 January 2023** to allow the parties to seek an amicable settlement of their dispute;

b. If a settlement agreement is reached within this period, the parties shall inform the Tribunal accordingly without delay, and the Applicant shall subsequently confirm to the Tribunal, in writing, that his application is withdrawn; or

c. If no settlement is reached within the prescribed period, the parties shall inform the Tribunal, which will resume proceedings in the matter, unless otherwise requested and decided.

(Signed)

Judge Teresa Bravo

Dated this 28th day of November 2022

Entered in the Register on this 28th day of November 2022

(Signed)

René M. Vargas M., Registrar, Geneva