



**Before:** Duty Judge

**Registry:** Geneva

**Registrar:** René M. Vargas M.

RYAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

George G. Irving

**Counsel for Respondent:**

Halil Göksan, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 26 April 2022, the Applicant filed a rebuttal against his 2021-2022 performance evaluation, its overall rating of “partially meets performance expectations”, and numerous allegedly false and defamatory comments, pursuant to sec. 15 of ST/AI/2021/4 (Performance Management and Development System).
2. On 27 July 2023, the parties filed a joint submission seeking to suspend the proceedings pending mediation efforts.
3. By Order No. 86 (GVA/2023), the Tribunal granted the parties’ joint motion and suspended the proceedings until 28 August 2023.
4. By email dated 28 August 2023, the Office of the United Nations Ombudsman and Mediation Services (“UNOMS”) informed the Tribunal that the parties were still involved in mediation, and requested a further suspension of the proceedings.
5. By Order No. 112 (GVA/2023), the Tribunal granted the request to suspend the proceedings until 22 September 2023.
6. By email dated 22 September 2023, UNOMS requested *inter alia* a further suspension of the proceedings until 27 October 2023.
7. By Order No. 128 (GVA/2023), the Tribunal granted the request to suspend the proceedings until 27 October 2023 and determined that, shall no settlement agreement be reached within the prescribed period, the parties or UNOMS inform the Tribunal by 31 October 2023.
8. By email dated 27 October 2023, UNOMS requested *inter alia* an extension of time to inform the Tribunal of the outcome of the mediation.

### **Consideration**

9. In support of its 27 October 2023 request, UNOMS submits that the parties need additional time to confirm details of their settlement agreement and add relevant annexes. On their behalf, UNOMS requests an extension of time until 10 November 2023 to inform the Tribunal of the outcome of the mediation.

10. Recalling that the General Assembly has consistently encouraged alternative dispute resolution and taking note of the above, the Tribunal commends the parties for their settlement efforts.

11. Guided by arts. 15.3, 15.4 and 15.5 of its Rules of Procedure, the Tribunal finds that it is in the interest of justice to give the parties sufficient time to finish their mediation process by further extending their deadline to inform the Tribunal, as requested.

### **Conclusion**

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

a. The proceedings before the Tribunal in this matter be further suspended during the parties' mediation discussions under the auspices of the Office of the United Nations Ombudsman and Mediation Services until **Friday, 10 November 2023**;

b. If a mediation agreement is reached by **Friday, 10 November 2023**, the parties or the Office of the Ombudsman shall inform the Tribunal accordingly without delay, and the Applicant shall confirm to the Tribunal, in writing, that his application is withdrawn; or

c. If no settlement agreement can be reached within the prescribed period, the parties or the Office of the Ombudsman shall inform the Tribunal by **Friday, 10 November 2023**.

*(Signed)*

Judge Sun Xiangzhuang (Duty Judge)

Dated this 30<sup>th</sup> day of October 2023

Case No. UNDT/GVA/2023/025

Order No. 143 (GVA/2023)

Entered in the Register on this 30<sup>th</sup> day of October 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva