



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

SOUM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Christopher Bollen

Counsel for Respondent:

Elizabeth Brown, UNHCR
Chenayi Mutuma, UNHCR

Introduction

1. On 15 August 2022, the Applicant, a Senior Data Management Associate, Evaluation Service, with the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed a complaint of harassment and discrimination based on nationality, islamophobia, and racism against her First Reporting Officer (“FRO”).
2. On 20 October 2022, the Head, Investigation Service, Inspector General’s Office (“IGO”), UNHCR, informed the Applicant that, after a preliminary assessment of her complaint, it had been decided not to initiate a full fact-finding investigation into the allegations of harassment, discrimination, islamophobia, and racism.
3. On 18 December 2022, the Applicant requested management evaluation of the contested decision.
4. On 5 March 2023, the Deputy High Commissioner concluded that the IGO had reasonably exercised its discretionary authority and, thus, decided to uphold the contested decision.
5. On 4 June 2023, the Applicant filed the instant application.
6. On 6 June 2023, the application was served on the Respondent, who had until 6 July 2023 to file his reply.
7. On 23 June 2023, the parties filed a joint motion for suspension of the proceedings until 23 September 2023, pursuant to art. 10.1 of the Tribunal’s Statute.
8. By Order No. 65 (GVA/2023) of 27 June 2023, the Tribunal granted the joint motion and suspended the proceedings until 25 September 2023.
9. On 10 August 2023, the parties filed a second joint motion for suspension of the proceedings, pursuant to art. 10.1 of the Tribunal’s Statute, until 31 October 2023, pending the conclusion of the ongoing settlement discussions.

10. By Order No. 97 (GVA/2023) of 11 August 2023, the Tribunal granted the joint motion and suspended the proceedings until 31 October 2023.

11. On 31 October 2023, the parties filed a joint motion requesting a further suspension of proceedings pending ongoing settlement discussions.

Consideration

12. In their joint motion, the parties submit that they continue to be engaged in informal settlement discussions but have yet to reach a final agreement. Consequently, they request a further suspension of the proceedings until 30 November 2023, pending the conclusion of their discussions.

13. The Tribunal takes note of the above and recalls that the General Assembly has consistently encouraged alternative dispute resolution.

14. Having examined the case record and 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 focus on their settlement efforts by further suspending the proceedings as requested.

Conclusion

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

a. The proceedings before the Tribunal in this matter be further suspended during the parties' informal settlement discussions until **Thursday, 30 November 2023**; and

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

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c. If no settlement agreement can be reached within the prescribed period, the parties shall inform the Tribunal, and the Respondent shall file his reply by **Thursday, 14 December 2023**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 1st day of November 2023

Entered in the Register on this 1st day of November 2023

(Signed)

René M. Vargas M., Registrar, Geneva