



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

RUSDIA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR FURTHER
SUSPENSION OF PROCEEDINGS**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Alister Cumming, UNICEF

Chinonyelum Esther Uwazie, UNICEF

Introduction

1. By application filed on 18 December 2023, the Applicant, a staff member of the United Nations Children’s Fund (“UNICEF”), contests the decision to “refuse return Education Grant Travel for [her] three children for the 2022-[20]23 academic year”.
2. On 18 January 2024, the Respondent filed his reply.
3. By Order No. 22 (GVA/2024) of 14 March 2024, the Tribunal instructed the parties to explore an amicable settlement, and the Applicant to file a rejoinder.
4. On 27 March 2024, the parties filed a joint motion for suspension of proceedings.
5. By Order No. 27 (GVA/2024) of 28 March 2024, the Tribunal, *inter alia*, suspended the present proceedings until 27 May 2024 pending mediation through the Office of the Ombudsman.
6. On 24 May 2024, the parties filed a joint motion for a further suspension of the proceedings until 28 June 2024, which was granted by Order No. 61 (GVA/2024) of 27 May 2024.
7. On 28 June 2024, the parties filed a joint motion for a further suspension of the proceedings until 31 July 2024.

Consideration

8. At the outset, the Tribunal notes that the parties filed their latest joint motion for suspension of proceedings on the last day of the deadline set in Order No. 61 (GVA/2024). In this regard, the Tribunal draws the parties’ attention to the fact that requests for the extension of a deadline shall be filed prior to its expiration unless exceptional circumstances, which must be adduced, prevent a timely filing.

9. Turning to the motion at hand, the parties informed the Tribunal that the mediation is still ongoing and requested it to further suspend the proceedings until 31 July 2024 “to permit time for [the] mediation to run its course”. Additionally, the parties asked the Tribunal to extend the deadline for compliance with “para. 10(c) of Order No. 61 (GVA/2024) to 2 August 2024” for the Applicant to file a rejoinder.

10. Recalling that amicable settlement of disputes is encouraged and is important, especially in circumstances where there is an ongoing employment relationship, the Tribunal is inclined to continue supporting the parties’ efforts to reach an amicable settlement of their dispute. Consequently, pursuant to art. 10 of its Statute, the Tribunal will grant the joint motion at stake.

11. However, the Tribunal is concerned by the time that mediation is taking given the nature of the matter at hand. Mediation started on 27 March 2024. The latest suspension of proceedings until 31 July 2024 will entail that amicable settlement discussions will have taken a total of four months.

12. Therefore, the Tribunal encourages the parties to ensure that a meaningful mediation result is reached by 31 July 2024 to avoid a further suspension of proceedings that will delay the adjudication of this matter.

Conclusion

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

- a. The proceedings before the Tribunal in this matter be further suspended until **Wednesday, 31 July 2024** to allow the parties to finalise 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 her application is withdrawn; or

Case No. UNDT/GVA/2023/063

Order No. 78 (GVA/2024)

c. If no settlement agreement is reached within the prescribed period, the parties shall inform the Tribunal, and the Applicant shall file her rejoinder by **Wednesday, 7 August 2024**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 3rd day of July 2024

Entered in the Register on this 3rd day of July 2024

(Signed)

René M. Vargas M., Registrar, Geneva