



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

FERGUSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Camila Nkwenti, HRLU, UNOG

Introduction

1. By application filed on 20 December 2023, the Applicant, a staff member of the United Nations Conference on Trade and Development (“UNCTAD”), contests the decision not to investigate his complaint of harassment and abuse of authority against his supervisor.
2. On 19 January 2024, the Respondent filed his reply.
3. By Order No. 23 (GVA/2024), the Tribunal instructed the Applicant to file a rejoinder by 15 April 2024, and encouraged the parties to explore amicable settlement asking them to revert back to the Tribunal in this respect by 22 April 2024.
4. On 9 April 2024, the parties filed a joint motion for suspension of proceedings.
5. By Order No. 29 (GVA/2024), the Tribunal granted the parties’ joint motion and suspended the proceedings until 11 June 2024.
6. On 11 June 2024, the parties filed a second joint motion requesting further suspension of proceedings.
7. By Order No. 67 (GVA/2024), the Tribunal granted the parties’ joint motion and suspended the proceedings until 11 July 2024.
8. On 11 July 2024, the parties filed a third joint motion requesting further suspension of proceedings pending ongoing informal settlement discussions.

Consideration

9. 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. 67 (GVA/2024). The same happened with their previous joint motion.

10. 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.

11. With respect to the motion at hand, the parties informed the Tribunal that they are still engaged in informal settlement negotiations, and requested a further suspension of the proceedings until 23 August 2024 to give them enough time to conclude negotiations. Additionally, the parties asked the Tribunal to extend the deadline for compliance with "para. 10(c) of Order No. 67 (GVA/2024) to 30 August 2024" for the Applicant to file a rejoinder.

12. The Tribunal takes note of the above and recalls that the General Assembly has consistently encouraged alternative dispute resolution. Indeed, amicable settlement of disputes is encouraged and is important, especially in circumstances where there is an ongoing employment relationship. The Tribunal is thus inclined to continue supporting the parties' efforts to reach an amicable settlement of their dispute.

13. However, the Tribunal is concerned by the time that informal settlement discussions is taking. Discussions started on 9 April 2024. The latest suspension of proceedings until 23 August 2024 will entail that amicable settlement discussions will have taken a total of five months.

14. Therefore, the Tribunal encourages the parties to ensure that a meaningful mediation result is reached by 23 August 2024 to avoid a further suspension of proceedings that will delay the adjudication of this matter.

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 **Friday, 23 August 2024**; and

b. If a settlement 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 his application is withdrawn; or

c. If no settlement agreement can be reached within the prescribed period, the parties shall inform the Tribunal, and the Applicant shall file his rejoinder by **Friday, 30 August 2024**.

(Signed)

Judge Sun Xiangzhuang

Dated this 12th day of July 2024

Entered in the Register on this 12th day of July 2024

(Signed)

René M. Vargas M., Registrar, Geneva