



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. 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.

3. The parties filed three joint motions for suspension of proceedings on 9 April 2024, 11 June 2024, and 11 July 2024, which were all respectively granted by Orders No. 29, 67, and 82 (GVA/2024).

4. On 21 August 2024, the parties filed a joint fourth motion for suspension of proceedings.

Consideration

5. In their motion, the parties informed the Tribunal that they have made significant progress and are currently reviewing a draft settlement agreement to finalize an amicable settlement.

6. However, due to annual leave of several parties involved in the process, who have only recently returned to work, the parties request suspension of the proceedings until 18 October 2024, and, consequently, an extension of time until 29 October 2024 for the Applicant to file his rejoinder, in the event that an amicable settlement is not reached.

7. The Tribunal has consistently encouraged parties to explore amicable settlement and supported them in doing so. However, suspensions of proceedings and extensions of time have to be reasonable.

8. This case is suspended since 14 March 2023. The parties have claimed since their first joint motion that they entered into amicable settlement discussions, but five and half months later are yet to conclude them. The Tribunal already expressed its concern in Order No. 82 (GVA/2024) over the amount of time that informal settlement discussions are taking, and advised the parties to achieve a meaningful solution by 23 August 2024.

9. However, as per the latest motion, the parties require an additional two months to finalize “reviewing a draft settlement agreement”.

10. If a draft has been prepared and all parties involved are back to work, the Tribunal is not persuaded that two months are needed to conclude settlement discussions.

11. In the interest of continuing to support amicable settlement efforts, the Tribunal will partially grant the parties joint motion to suspend proceedings but only for one more month. If a settlement is not reached by then, proceedings will resume, and the Applicant will be expected to file his rejoinder by the prescribed deadline.

12. The parties are also put on notice that the Tribunal will not favourably entertain further suspension of proceedings in this matter. It therefore encourages the parties to endeavour to conclude settlement discussions by the deadline below.

Conclusion

13. 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 **Monday, 23 September 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

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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 **Monday, 30 September 2024**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 21st day of August 2024

Entered in the Register on this 21st day of August 2024

(Signed)

René M. Vargas M., Registrar, Geneva