



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2011/034

Order No.: 139 (NBI/2014)

Date: 27 May 2014

Original: English

Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

SELIM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:
Yassin Tageldin Yassin

Counsel for the Respondent:
Steven Dietrich, ALS/OHRM
Nicole Wynn, ALS/OHRM

The Application and Procedural History

1. The Applicant is a Field Assistant at the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO). He serves at the FS-3 level and has been at the Mission since 29 December 1999.
2. On 10 April 2011, the Applicant filed an Application appearing to contest decisions/absence of decisions relating to his remuneration, compensation for workplace injury and his desire to be reassigned to a less difficult duty station.
3. The Application was served on the Respondent on 14 July 2011.
4. On 22 July 2011, the Respondent sought leave to have the Receivability of this matter determined as a preliminary issue. On the same day, the Respondent also filed his Reply on Receivability in which he moved the Tribunal to have this matter dismissed as not receivable.
5. On 15 August 2011, the Tribunal issued Order No. 091 (NBI/2011) directing the Applicant to provide evidence of his correspondence with the Management Evaluation Unit.
6. On 6 December 2013, the Registry wrote to the Applicant with directions to submit his submissions in response to the Respondent's position on Receivability by 27 December 2013.
7. Those submissions have not been received by the Tribunal. What the Registry has received however are several filings of medical certificates by doctors treating the Applicant and other submissions "updating the Tribunal" as to the situation of the Applicant.
8. On 15 May 2014, the Tribunal issued a Notice of Hearing (Order No. 103 (NBI/2014)) inviting the Parties to a case management hearing.
9. It became clear at the case management hearing on 22 May 2014 that there were significant communications related challenges between the Parties, and between the Parties and the Tribunal. The court process is not one that is fully

understood by the Applicant, which coupled with language issues, makes for significant confusion.

10. Having heard the Parties' respective submissions, the Tribunal made the considered decision of urging the Parties to consider having the disputes in this matter resolved informally.

11. Counsel for the Respondent informed the Tribunal that it needed further documentation showing, in particular, that the Applicant had previously asked to be reassigned to a duty station of lesser hardship; following which, subject to instructions from his client, he would be willing to consider the prospect of engaging in a discussion with the Applicant with a view to resolving this dispute.

12. The Applicant, for his part, was agreeable to the suggestion that this matter might be best resolved informally between the Parties.

ORDER

13. The Tribunal has reviewed and considered the submissions of the Parties and is of the firm view that this is a matter that can be resolved between the Parties.

14. In the interest of efficient use of the Tribunal's resources and the expeditious conduct of proceedings, the Tribunal pursuant to articles 10.3 of its Statute and 15.1 of the Rules of Procedure, strongly urges the Parties in this matter to consult and deliberate on having this matter informally resolved or mediated.

15. To this end, the Tribunal **DIRECTS** the Parties to **jointly** advise the Registry by **27 June 2014** on:

- a) The likelihood of this matter being settled informally; OR
- b) If an order formally referring the matter for mediation is necessary.

(signed)

Judge Vinod Boolell

Dated this 27th day of May 2014

Entered in the Register on this 27th day of May 2014

(signed)

Abena Kwakye-Berko, Registrar, Nairobi