



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2013/022
Order No.: 033 (NBI/2015)
Date: 29 January 2015
Original: English

Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

KIFLE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:
Miller Wanjala Bwire
Cecil L. Kuyo

Counsel for Respondent:
Steven Dietrich, ALS/OHRM
Alister Cumming, ALS/OHRM

Introduction

1. The Applicant is a former staff member of the United Nations Mission in the Republic of South Sudan (UNMISS). He filed the current Application on 11 February 2013 challenging the decisions not to: (i) renew his appointment with UNMISS beyond 30 September 2012 and (ii) reinstate him to his original post of Senior Planning Officer (SPO) when he was transitioned from the United Nations Mission in Sudan (UNMIS) to UNMISS on 8 July 2012.
2. The Respondent submitted a Reply on 24 June 2013.
3. Pursuant to Order No. 008 (NBI/2014), the Applicant submitted a response on the receivability issues raised by the Respondent in his Reply dated 24 June 2013.
4. On 22 July 2014, the Tribunal issued its ruling on the receivability of the Applicant's claims in Judgment No. UNDT/2014/103.
5. The Tribunal informed the Parties by way of Order No. 228 (NBI/2014) that it would not hold an oral hearing in this matter. Consequently, they were allowed to provide additional submissions and evidence by 13 November 2014 to supplement their existing submissions.
6. Upon reviewing the Parties' pleadings and additional submissions of 13 November, the Tribunal held a case management hearing on 2 December 2014 to allow Counsel an opportunity to provide further clarification on their legal arguments.
7. Due to the complexity of the issues raised by the Tribunal during the case management hearing, the Tribunal granted Counsel additional time to provide comprehensive written submissions and/or documentary evidence to specific questions.¹

¹ See Order No. 264 (NBI/2014) dated 5 December 2014.

8. Counsel filed their additional submissions on 15 January 2015. Counsel for the Respondent however sought an extension of time to 22 January 2015 within which to file the documents listed in paragraph 10(i) of Order No. 264 (NBI/2014). The Respondent's motion was granted by Order No. 029 (NBI/2015).

9. Having taken careful note of paragraph 27 of General Assembly resolution 69/203 (Administration of justice at the United Nations)², this Tribunal's ruling in *Eissa* UNDT/2013/112 and the United Nations Appeals Tribunal's ruling in *Eissa* 2014-UNAT-469, the Tribunal held another case management hearing on 29 January 2015 to explore the possibility of informal settlement of the dispute with the Parties. Since the Parties were amenable, the Tribunal granted a stay of proceedings to allow them time to informally discuss the matter.

It is thereby ORDERED that:

10. The formal proceedings in *Kifle v. Secretary-General of the United Nations* (Case No. UNDT/NBI/2013/022) are suspended **until Tuesday, 3 March 2015**.

11. The Parties are to attend a case management hearing on **Wednesday, 4 March 2015 at 10:30 hours** in the UNDT Courtroom for the purpose of providing the Tribunal with a report on the status of their informal settlement discussions.

(Signed)

Judge Vinod Boolell

Dated this 29th day of January 2015

² Paragraph 27 states: "Recalls the emphasis placed by the General Assembly on the resolution of disputes, and requests the Secretary-General to report on the practice of proactive case management by the judges of the United Nations Dispute Tribunal in the promotion and successful settlement of disputes within the formal system in his next report;"

Entered in the Register on this 29th day of January 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi