



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/042
Order No.: 343 (NBI/2016)
Date: 13 July 2016
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

LUNSHOF

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON REFERRAL TO MEDIATION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Frits E. Bontekoe, UNHCR

Introduction

1. The Applicant, a staff member of the United Nations High Commissioner for Refugees (UNHCR), on 12 June 2016, filed an Application with the United Nations Dispute Tribunal (UNDT) contesting the decision of UNHCR not to promote him to the P-5 level during the 2014 Promotions Session.
2. The Application was served on the Respondent on 13 June 2016 and he was given a deadline of 14 July 2016 within which to file his Reply.
3. On 1 July 2016, the parties filed a Joint Motion seeking suspension of proceedings for an initial period of three months to allow them to pursue informal dispute resolution. The parties also requested that the Tribunal refer the matter for mediation to the UNHCR Ombudsman.

Consideration

4. Pursuant to article 10.1 of the UNDT Statute, the UNDT “may suspend proceedings in a case at the request of the parties for a time to be specified by it in writing”. Article 10.3 of the UNDT Statute provides that “[a]t any time during the deliberations, the [UNDT] may propose to refer the case to mediation. With the consent of the parties, it shall suspend the proceedings for a time to be specified by it. If a mediation agreement is not reached within this period of time, the [UNDT] shall continue with its proceedings unless the parties request otherwise”. Article 15 of the UNDT Rules of Procedure also foresees the referral of a case for mediation upon the initiative of the parties, as in the present case.

The Tribunal accordingly orders:

5. The proceedings in the present case are suspended until 13 October 2016 and the case is referred to the UNHCR Ombudsman for mediation.
6. On or before **13 October 2016**, the parties or the UNHCR Ombudsman shall inform the Tribunal as to whether the case has been resolved. If so, the Applicant shall confirm to the Tribunal, in writing, that his application is withdrawn finally and entirely.

7. In the event that the parties are unable to reach a mediated settlement of the matter, the Respondent shall file his Reply **on or before 14 November 2016**.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 13th day of July 2016

Entered in the Register on this 13th day of July 2016

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi