



Before: Judge Goolam Meeran

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KELAPILE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

Daniel Trup, OSLA

Counsel for the Respondent:

Sandra Baffoe-Bonnie, OES/ECA

Amboko Wameyo, OES/ECA

Introduction

1. On 4 August 2016, the Parties were informed that this matter has been transferred to the docket of Judge Goolam Meeran.
2. On 5 August 2016, the Tribunal issued Order No. 409 (NBI/2016) setting the matter down for a Case Management Discussion (CMD).
3. The CMD took place on 16 August 2016. The Applicant was not present. Both parties were represented by counsel.

The Discussion

4. The Tribunal asked Counsel for a brief update of the current position including the progress made, if any, on the full implementation of the mediation agreement so that a view may be taken as to their respective contentions.
5. The Applicant clarified that, in addition to the current application for enforcement of the mediation agreement, the Respondent's subsequent decision to separate the Applicant on the basis of a "breakdown" of his relationship with the senior management of the Economic Commission for Africa (ECA) is the subject of a request for management evaluation.
6. The Applicant's appointment, which was due to expire at the end of July, was extended for one month to allow for completion of the management evaluation process.
7. The parties indicated that, at this stage, there appeared to be no reasonable prospect of an alternative resolution to the dispute (ADR). However, subject to the outcome of the request for management evaluation, the Applicant was not averse to exploring the possibility of ADR.

8. The Applicant indicated that in the event that his employment was terminated he would be filing a fresh application together with a Motion to consolidate the two cases. The Respondent indicated that he would oppose such a motion. The Tribunal informed Counsel that it did not wish to deal with a hypothetical situation and will consider the matter if and when it arose.

9. It appeared to be common ground that a hearing in this matter was appropriate and the Tribunal indicated that in the event that an application was filed the issues would be considered at another CMD to be held as soon as practicable.

10. The Respondent informed the Tribunal that the results of the Applicant's complaint pursuant to ST/SGB/2008/5 on the Prohibition of Discrimination, Harassment, Including Sexual Harassment and Abuse of Authority "are being dealt with in New York."

11. Counsel for the Respondent clarified that, in the event that the request for management evaluation is unsuccessful, the Applicant's current contract will expire on 1 September 2016 when his separation from the organisation will take effect.

12. Given the circumstances the Tribunal concluded that no useful purpose would be served by continuing with the CMD.

IT IS ORDERED THAT:

13. The Applicant is to inform the Tribunal, no later than Wednesday, 24 August, whether he has received a response to his request for management evaluation.

14. The parties are given leave to file a Motion seeking leave to stay these proceedings for a defined period or for the resumption of the CMD. If no such Motion is filed the Tribunal will continue the CMD on the first available date after 24 August 2016.

(Signed)

Judge Goolam Meeran

Dated this 17th day of August 2016

Entered in the Register on this 17th day of August 2016

(Signed)

Eric Muli, for

Abena Kwakye-Berko, Registrar, Nairobi