



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2014/090/R1

Order No.: 163 (NBI/2017)

Date: 28 September 2017

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

BARACUNGANA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE PARTIES' JOINT
MOTION FOR SUSPENSION OF
PROCEEDINGS**

Counsel for the Applicant:

Daniel Trup, OSLA

Nicole Washienko, OSLA

Counsel for the Respondent:

Louis-Philippe Lapicerella, UNHCR

Introduction

1. The Applicant is a former staff member of the United Nations High Commissioner for Refugees (UNHCR). He joined the Organization in May 2005 as a Senior Programme Clerk at the GL-5 level. On 1 January 2010, he was separated from service.

2. A few days after his separation from service, the Applicant began suffering from an illness that paralyzed his limbs and left him entirely unable to move without the aid of others. He was subsequently diagnosed with polyradioculopathy/polyneuritis, a disorder of the peripheral nervous system.

3. On 9 June 2011, the Applicant filed a claim for compensation under Appendix D to the Staff Rules in relation to his diagnosis of polyradioculopathy/polyneuritis.

4. On 22 September 2014, the Applicant filed an application before the United Nations Dispute Tribunal (UNDT) challenging the decision made on behalf of the Secretary-General with regard to his Appendix D claim.

5. On 27 June 2016, the UNDT issued Judgment No. UNDT/2016/092.

6. On 31 March 2017, on appeal by the Secretary-General, the United Nations Appeals Tribunal (UNAT) rendered Judgment No. 2017-UNAT-725 remanding the Applicant's case for a hearing *de novo* before a different UNDT Judge.

7. On 24 July 2017, the Tribunal issued Order No. 129 (NBI/2017) in which it ordered the parties to file fresh pleadings.

8. On 27 July 2017, the Applicant filed his application on the merits challenging the refusal of his claim for compensation under Annex D of the United Nations Staff Regulations and Rules.

9. On 27 September 2017, the parties filed the subject motion of the present decision moving the Court to suspend proceedings while they explore the possibility of having this matter settled *inter partes*.

Order

10. The Tribunal commends the parties for engaging with each other to have this matter resolved without recourse to litigation.

11. Pursuant to art. 10.1 of the Statute of the Tribunal, and art.19 of the Tribunal's Rules of Procedure, the Tribunal GRANTS the parties' motion for further suspension of proceedings.

12. The parties are DIRECTED to jointly advise the Tribunal of the status of their efforts of settlement by **5 January 2018**.

13. In the event that the parties are unable to reach a settlement of the matter, the Respondent is DIRECTED file his reply by **12 January 2018**.

(Signed)

Judge Nkemdilim Izuako

Dated this 28th day of September 2017

Entered in the Register on this 28th day of September 2017

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi