



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2016/071  
Order No.: 078 (NBI/2018)  
Date: 9 May 2018  
Original: English

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**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

FREHIWOT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
Sandra Baffoe-Bonnie, ECA  
Sibangilizwe Ndlovu, ECA

## **Introduction**

1. The Applicant is a staff member serving as a Human Resources Assistant at the G-7 level with the United Nations Economic Commission for Africa (ECA).
2. In her application filed on 21 September 2016, she challenges the decision not to extend her Special Post Allowance (SPA) even though she performs the higher-level responsibilities of a human resources officer.
3. The Respondent's reply was filed on 2 November 2016.
4. By motion dated 11 January 2017, the Applicant sought leave to respond to the reply so that she could provide clarification on several issues raised by the Respondent. The Applicant submits that she will suffer harm if her motion is not granted.
5. On 12 January 2017, the Tribunal issued Order No. 007 (NBI/2017) granting the Applicant's motion to respond to the Respondent's reply and directed her to file an amended application with submissions that are "concise and properly integrated into existing pleadings."
6. The Applicant filed submissions with the Tribunal on 26 January 2017 and further submissions on 27 January and 4 February 2017.
7. The Respondent moved for leave to respond to those submissions on 9 March 2017.
8. The Applicant submitted a further filing on 6 June 2017.
9. On 18 April 2018, the Tribunal issued Order No. 064 (NBI/2018) setting this matter down for a case management discussion on 8 May 2018.

## **The Discussion**

10. On 8 May 2018, the case management discussion took place as scheduled. The Applicant was present in person.

11. The Applicant responded to the Tribunal's questions, and gave the Court a chronological account of what transpired in this matter.

12. The Applicant also indicated that she had previously sought the assistance of the Office of Staff Legal Assistance (OSLA), to no avail.

13. Both Parties indicated a willingness to have this matter formally mediated, so that the dispute can be resolved amicably and without recourse to litigation.

## **Directions and Orders**

14. The Tribunal takes the view that the services of counsel will assist the Applicant and the Tribunal in the management and conduct of this case. The Applicant will also be better represented in Mediation with the assistance of counsel.

15. To this end, the Applicant is also advised to seek legal counsel for the conduct of his case. Information on legal assistance is available at <http://www.un.org/en/oaj/legalassist/howto.shtml>.

16. The Tribunal therefore directs service of the present Order on (OSLA) to facilitate the process.

17. The Tribunal strongly believes that the Parties should engage in meaningful consultations towards having this matter resolved. In the interest of efficient use of the Tribunal's resources and the expeditious conduct of proceedings, the Tribunal, pursuant to arts. 10.3 of the UNDT Statute and 15.1 of the Rules of Procedure, firmly urges the Parties in this matter to consult and deliberate in good faith, with the assistance of the Ombudsman, towards having this matter informally resolved.

18. The Tribunal therefore makes the following **ORDERS**:

- i. The Registry is **DIRECTED** to serve a copy of this Order on OSLA;
- ii. The Registry is **DIRECTED** to serve a copy of this Order on the Office of the Ombudsman and Mediation Services (OMS);
- iii. The Applicant and/or counsel acting on behalf of the Applicant should advise the Tribunal on representation by **25 May 2018**;
- iv. The Parties and/or OMS should advise the Tribunal on the status of mediation by **9 August 2018**;
- v. The proceedings in the matter of *Frehiwot v Secretary General of the United Nations* (UNDT/NBI/2016/071) are hereby suspended pending mediation.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 9<sup>th</sup> of May 2018

Entered in the Register on this 9<sup>th</sup> of May 2018

*(Signed)*

Eric Muli, Legal Officer for  
Abena Kwakye-Berko, Registrar, Nairobi