



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/052
Order No.: 150 (NBI/2019)
Date: 9 October 2019
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

LOPES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON SUSPENSION OF
PROCEEDINGS**

Counsel for the Applicant:
Robbie Leighton, OSLA

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR
Nusrat Chagtai, AAS/ALD/OHR

Introduction

1. The Applicant is the Chief of Service, Rule of Law and Security Institutions, working with the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS). He serves on a continuing appointment at the D1 level, step IX.¹

2. On 30 May 2019, the Applicant filed an application contesting the decision to terminate his continuing appointment.²

3. On 25 June 2019, the parties filed a joint motion informing the Tribunal that they were making good faith efforts to informally resolve the dispute. Accordingly, the parties requested for suspension of proceedings for 30 days and the extension of the deadline for the Respondent to file a reply until 1 August 2019.

4. On 2 July 2019, by its Order No. 088 (NBI/2019), the Tribunal granted the parties' motion and the proceedings were suspended until 1 August 2019. The Tribunal also extended the deadline to file the Respondent's reply to 1 August 2019.

5. The Respondent complied and filed his reply on 1 August 2019.

6. By email dated 19 September 2019, the Tribunal requested the parties to clarify the status of negotiations by 25 September 2019.

7. On 23 September 2019, the parties filed a joint response to Order No. 088 (NBI/2019) and clarified on the status of the negotiations. The parties submitted that in the context of the management evaluation process, the Administration is continuing its reasonable and good faith efforts to assist the Applicant in finding a suitable alternative position.

¹ Application, section I.

² Application, section V.

8. By email dated 25 September 2019, the Respondent informed the Tribunal that the parties have consulted and agreed on the suspension of proceedings for further three months' period so that the Management Evaluation Unit may continue efforts to assist the Applicant in the context of the management evaluation process.

DIRECTIONS.

9. The Tribunal makes the following **ORDERS**:

- i. The proceedings before the Tribunal in this matter are suspended until **26 December 2019** for the purposes of allowing the parties to informally resolve the dispute;
- ii. If a settlement agreement is reached within this period, the parties shall inform the Tribunal accordingly without delay, and the Applicant shall subsequently confirm to the Tribunal, in writing, that his application is withdrawn, or
- iii. If no settlement can be reached within the prescribed period, the parties shall inform the Tribunal, which will resume the proceedings in the matter.
- iv. The Tribunal considers that the overall period afforded for negotiations will have been sufficient to reach a consensus and any further request for suspension of the proceedings will not be entertained unless exceptionally substantiated.

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(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 9th day of October 2019

Entered in the Register on this 9th day of October 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi