



**Before:** Judge Rachel Sophie Sikwese

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

GUSAROVA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER EXTENDING SUSPENSION  
OF PROCEEDINGS PENDING  
MEDIATION**

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**Counsel for the Applicant:**

Mohamed Abdou, Office of Staff Legal Assistance

**Counsel for the Respondent:**

Bart Willemsen, UNICEF

Chinonyelum Esther Uwazie, UNICEF

## **Introduction**

1. At the time of application, the Applicant was serving as a Human Resource Manager at the UNICEF East-South Africa Regional Office (ESARO) in Nairobi, Kenya.
2. On 25 July 2018, the Applicant filed an application contesting the decision of the Management Evaluation Unit (MEU) to uphold the decision of the Office of Internal Audit and Investigations (OIAI) to dismiss her claim of abuse of authority and harassment.
3. The Respondent replied to the application on 7 September 2018. As a preliminary issue, the Respondent challenged the receivability of the application.
4. The Applicant filed her submissions in response on 25 February 2019.
5. On 15 November 2019, the Tribunal issued Judgment No. UNDT/2019/162 in which it held this matter to be receivable.
6. On 29 November 2019, the Tribunal issued Order No. 203 (NBI/2019) setting the matter down for a case management discussion on 5 December 2019. The Tribunal advised the Applicant that her interests would be better served if she retained services of counsel. The Tribunal served a copy of the Order on the Office of Staff Legal Assistance (OSLA).
7. On 6 December 2019, the Tribunal issued Order No. 210 (NBI/2020) suspending proceedings to allow the Parties more time for mediation. The matter was referred to the Office of the Ombudsman and Mediation Services (OMS).
8. On 28 February 2020, the Ombudsman applied for the suspension of proceedings to be extended to finalize the mediation process.

9. As Judge Tibulya is not currently deployed with the United Nations Dispute Tribunal, this matter has been assigned to Judge Sikwese for the purposes of this application.

**Orders**

- i. The motion for suspension of proceedings and extension of time is granted.
- ii. The parties and/or OMS shall advise the Tribunal on the status of mediation by **16 March 2020**.
- iii. The Registry is directed to serve a copy of this Order on the Office of the Ombudsman and Mediation Services (OMS).
- iv. The proceedings in the matter of *Gusarova v Secretary General of the United Nations* (UNDT/NBI/2018/078) remains suspended pending mediation.

*(Signed)*

Judge Rachel Sophie Sikwese

Dated this 3<sup>rd</sup> day of March 2020

Entered in the Register on this 3<sup>rd</sup> day of March 2020

*(Signed)*

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