



Before: Judge Francis Belle
Registry: Nairobi
Registrar: Abena Kwakye-Berko

ULAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON SUSPENSION OF
PROCEEDINGS AND REFERRAL TO
MEDIATION**

Counsel for the Applicant:

Irene Kashindi

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Rosangela Adamo, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant holds a fixed term appointment at the FS-4 level with the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (“MONUSCO”). She serves as an Administrative Assistant and is based in Kinshasa.

2. On 3 May 2019, she filed an application with the Dispute Tribunal. The Applicant described the decision she challenges as: (a) continued harassment, unfair treatment and abuse of authority that cannot be classified as one single decision; (b) breach of several rules and regulations; (c) not being considered and bypassed for promotion on several occasions resting with a decision made on 22 January 2019; (d) not being compensated for work performed at a higher level; and (e) failure to address a claim for sexual harassment and abuse.

3. On 10 June 2019, the Respondent filed his Reply.

4. On 9 January 2020, the Applicant filed a motion seeking an order for *interim* measures to reassign her to another duty station because of alleged ill-treatment by her colleagues and her Second Reporting Officer (SRO) following the filing of her application on 3 May 2019. The Tribunal issued Order No. 013 (NBI/2020) dismissing the motion for *interim* measures.

5. On 23 July 2020, the Tribunal issued Order No. 140 (NBI/2020) to manage the case. Among other things, the Tribunal asked the parties if they are amenable to the matter being resolved *inter partes*.

6. On 4 August 2020, the parties filed a joint motion for suspension of proceedings pending mediation and asked that the matter be referred to the Office of the Ombudsman and Mediation Services to facilitate the process.

Considerations

7. The Tribunal commends the parties for having conferred and agreed to have this matter resolved without recourse to further litigation.
8. The Tribunal firmly urges the parties to consult and deliberate in good faith, with the assistance of the Ombudsman, towards having this matter informally resolved.
9. To this end, the Tribunal makes the following **ORDERS**:
 - i. The motion for suspension of proceedings is hereby **GRANTED**;
 - ii. The Registry is **DIRECTED** to serve a copy of this Order on the Office of the Ombudsman and Mediation Services (“OMS”);
 - iii. The parties and/or OMS should advise the Tribunal on the status of mediation by **31 August 2020**;
 - iv. The proceedings in the matter of *Ular v Secretary General of the United Nations* (UNDT/NBI/2019/046) are hereby suspended pending mediation.

(Signed)

Judge Francis Belle

Dated this 6th day of August 2020

Entered in the Register on this 6th day of August 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi