



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/061  
Order No.: 092 (NBI/2021)  
Date: 6 May 2021  
Original: English

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

QASSEM

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Omar Shehabi, OSLA

**Counsel for Respondent:**  
Esther Shamash, UNDP

## **Introduction**

1. The Applicant held a fixed-term appointment at the GS-3 level, when he served as an administrative clerk/dispatcher at the United Nations Development Programme's Programme of Assistance to the Palestinian People (UNDP/PAPP). She was based in East Jerusalem.

2. On 6 August 2020, the Applicant filed an application with the United Nations Dispute Tribunal sitting in Nairobi to challenge the Respondent's decision to not renew her appointment beyond 31 March 2020. It is the Applicant's case that the impugned decision was retaliatory, made in response to his whistleblowing; and that the decision to abolish the post encumbered by the Applicant was tainted by extraneous factors and therefore unlawful.

3. The Respondent filed his reply to the application on 9 September 2020. The Respondent takes the position that the application is materially not receivable by the Tribunal and is time-barred. The decisions to abolish his post and therefore not renew his appointment, the Respondent further contends, were lawfully made; and that the Applicant's allegations of bad faith have not been borne out by the evidence.

## **Orders**

4. The Tribunal considers that a case management discussion ("CMD") would facilitate fair, efficient and expeditious management and disposal of this case.

5. A CMD will take place on **Wednesday, 12 May 2021 at 2.30 p.m. (Nairobi time)** using Microsoft Teams. At the CMD, the Tribunal and the parties will:

- a. Ascertain whether the parties are amenable to this matter being resolved informally or through mediation;
- b. Identify the factual and legal issues to be determined;
- c. Consider if the case may be decided on the basis of the parties' written submissions; and

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- d. Discuss any other matter relevant to these proceedings.
6. The Tribunal considers it necessary to afford the Applicant the opportunity to respond to the Respondent's reply. The Applicant is directed to file these submissions by **12 May 2021**.
7. As this CMD is being held virtually, the parties are requested to provide the Registry with their contact details by **11 May 2021**.

*(Signed)*

Judge Francis Belle

Dated this 6<sup>th</sup> day of May 2021

Entered in the Register on this 6<sup>th</sup> day of May 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi