



**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  
Endah Ayuningsih Indini, 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"). He 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 his 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 was 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.

4. A Case Management Discussion ("CMD") took place as scheduled on 12 May 2021.

## **The Discussion**

5. The Tribunal acknowledged that the parties' positions may be too far apart to make them amenable to settlement discussions but urged them to continue considering it as an alternative method to resolving this dispute.

6. The Respondent sought, and was granted, leave to amend his submissions on receivability. The Applicant did not object to the Respondent's motion.

7. The Applicant also sought, and was granted, leave to amend his application to include submissions on recent jurisprudence by the Appeals Tribunal.

## Orders

8. The Tribunal makes the following orders:
  - a. The Respondent will file his amended submissions on receivability by **19 May 2021**;
  - b. The Applicant will file his response to the Respondent's reply, which will include his response to the Respondent's position on receivability and his submissions following the issuance of *Loose* 2020-UNAT-1043, by **26 May 2021**;
  - c. The Respondent will file his submissions in response to the Applicant's position in respect of *Loose* by **2 June 2021**; and
  - d. Discuss any other matter relevant to these proceedings.
9. The Tribunal strongly encourages the parties to consider their respective positions on having this matter resolved informally and without further litigation.

*(Signed)*

Judge Francis Belle

Dated this 14<sup>th</sup> day of May 2021

Entered in the Register on this 14<sup>th</sup> day of May 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi