



Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KHAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Marisa MacLennan, UNHCR

Zuzana Kovalova, UNHCR

Introduction

1. The Applicant is a staff member of the United Nations High Commissioner for Refugees (“UNHCR”).

2. He filed an application on 7 September 2020 to contest the following decisions: (i) non-authorization of his medical evacuation when he was acutely ill; (ii) non-authorization for an escort to accompany him during his medical travel; (iii) denial of security evacuation allowance for his family; and (iv) failure to convert his administrative status to security evacuation following his medical travel.

3. The Respondent filed his reply to the application on 12 October 2020, together with a motion to exceed the page limit, which was granted. The Respondent moves the Tribunal to dismiss the application in its entirety, makes the jurisdictional arguments that this application was filed out of time and is partly moot. On the merits the Respondent submits that the impugned decision was lawful and taken in accordance with the relevant rules and procedures.

4. The Applicant filed a motion seeking leave to submit comments in response to the reply. The comments are included in the said motion filed on 18 October 2020.

5. On 14 September 2021, the Tribunal issued Order No. 184 (NBI/2021) for management of these proceedings. The parties were encouraged to confer to assess their amenability towards settlement discussions prior to the case management discussion (“CMD”) scheduled for 21 September 2021. The Applicant was also encouraged to seek the assistance of counsel.

6. The CMD took place as scheduled.

The Discussion

7. The Applicant informed the Tribunal that he has been unable to secure the representation of counsel and so remains self-represented.

8. The Tribunal granted the Applicant's motion filed on 18 October 2020 and his requests for disclosure. The Tribunal further explained why it considers this matter suitable for alternative dispute resolution.

9. The parties are **strongly encouraged** to have this matter resolved without recourse to further litigation.

Considerations and Order

10. The Tribunal directs counsel for the Respondent as follows:

- a. To effect immediate disclosure, and no later than 24 September 2021, of the medical report and/or other evidence that was used to form the basis of the decision of 20 May 2019;
- b. To seek instructions from her client on i) whether he is amenable to this matter being resolved *inter partes* **or** ii) for it to be referred to the Office of the Ombudsman and Mediation Services ("OMS") for their assistance in resolving this dispute; and
- c. To notify the Tribunal of Respondent's choice by **1 October 2021**.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 22nd day of September 2021

Entered in the Register on this 22nd day of September 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi