



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

AO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
THE PARTIES' JOINT MOTION
FOR FURTHER SUSPENSION
OF PROCEEDINGS PENDING
INFORMAL SETTLEMENT
DISCUSSIONS**

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Fatuma Mnde-Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. On 6 September 2023, the Applicant, a Close Protection Officer at the United Nations Support Office in Somalia, filed an application before the Dispute Tribunal contesting the 31 January 2023 decision of Senior Security Management officials to temporally withdraw his service weapon pending the “assessment by the Chief Medical Officer and any subsequent assessors”.
2. The Respondent filed a reply on 9 October 2023.
3. On 9 May 2024, the Tribunal issued Order No. 51 (NBI/2024) directing the Applicant to file a rejoinder by 5 June 2024 and the parties to explore the possibility of resolving the dispute amicably, instructing them to revert to the Tribunal in this respect by 12 June 2024.
4. On 31 May 2024, the parties filed a joint motion seeking suspension of the proceedings in this case until 12 July 2024 “to continue to engage in ... informal discussions”. The Tribunal granted this motion on 3 June 2024.
5. On 9 July 2024, the parties filed a second joint motion seeking further suspension of proceedings until 11 August 2024 “to continue to engage in ... informal discussions”.

Consideration

6. The Tribunal recalls that the General Assembly has consistently encouraged alternative dispute resolution. Amicable settlement of disputes is encouraged and is important, especially in circumstances where there is an ongoing employment relationship. The Tribunal is thus inclined to continue supporting the parties’ efforts to reach an amicable settlement of their dispute.
7. The Tribunal notes that the latest suspension of proceedings entails that the case will then be almost 11 months old. Mindful of its intent to reduce the adjudication time of cases, the Tribunal encourages the parties to ensure that a meaningful mediation result is reached by 12 August 2024 as the Tribunal will not be inclined to entertain any further requests for suspension of proceedings.

Conclusion

8. In view of the foregoing, it is ORDERED THAT:
- a. The proceedings before the Tribunal in this matter be further suspended during the parties' informal settlement discussions until **Monday, 12 August 2024**; and
 - b. If a settlement agreement is reached within this period, the parties shall inform the Tribunal accordingly without delay, and the Applicant shall confirm to the Tribunal, in writing, that his application is withdrawn; or
 - c. If no settlement agreement can be reached within the prescribed period, the parties shall inform the Tribunal, and the Applicant shall file his rejoinder by **Monday, 19 August 2024**.

(Signed)

Judge Sean Wallace

Dated this 17th day of July 2024

Entered in the Register on this 17th day of July 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi