



Before: Duty Judge
Registry: Nairobi
Registrar: Wanda Carter

MAZZEI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Ana Giulia Stella, OSLA

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR/UN Secretariat
Fatuma Mninde-Silungwe, AS/ALD/OHR/UN Secretariat

Introduction

1. By application filed on 15 July 2024, the Applicant, a Planning Officer working with the United Nations Assistance Mission in Somalia, filed an application contesting the 2 February 2024 decision of the Assistant Secretary-General for Human Resources to not grant him a continuing appointment for the 2016-2021 Continuing Appointment Review Exercise.

2. The Respondent submitted a reply on 15 August 2024, in which it is argued that the application lacks merit and should be dismissed. The contested decision was lawful. Under General Assembly Resolution 65/247, the ST/SGB/2011/9 (Continuing Appointments), and ST/AI/2012/3 (Administration of Continuing Appointments), the Applicant had no right to a continuing appointment for the years from 2016-2021. For the years 2016-2017, the Applicant did not meet the eligibility requirement of being a staff member of the United Nations Secretariat.

3. The Respondent further submits that for the years 2019 and 2021, the Applicant did not have enough points to qualify for a continuing appointment. For the years 2018 and 2020, there were no continuing appointments for staff members in the professional and above and field service categories.

Consideration

Filing of a rejoinder

4. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue an order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

5. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to give the Applicant an opportunity to comment on the Respondent's reply by means of a rejoinder.

Amicable settlement

6. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

7. In view of the foregoing, it is ORDERED THAT:

- a. By **Monday, 23 September 2024**, the Applicant shall file a rejoinder;
and
- b. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Wednesday, 2 October 2024**.

(Signed)

Judge Sean Wallace, Duty Judge
Dated this 29th day of August 2024

Entered in the Register on this 29th day of August 2024

(Signed)

Wanda Carter, Registrar, Nairobi