



**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda Carter

ALY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON THE PARTIES' JOINT MOTION  
FOR SUSPENSION OF  
PROCEEDINGS**

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**Counsel for Applicant:**

Shubha Suresh Naik, OSLA

**Counsel for Respondent:**

André Luiz Pereira de Oliveira, Legal Specialist, UNFPA.

## **Introduction and Procedural History**

1. The Applicant contests the decision to impose on her the disciplinary measure of loss of one grade and written censure for her failure to cooperate with the investigation carried out by the Office of Audit and Investigations Services, United Nations Population Fund.
2. The Respondent filed his reply on 28 July 2023 seeking dismissal of the application on the basis that it has no merit, and that the contested decision was lawful.
3. The Tribunal and the parties agreed to certain timelines for the proceedings in this matter at a case management discussion (“CMD”) held on 25 June 2024.
4. On 19 June 2024, the parties informed the Tribunal that they are engaged in *inter partes* settlement discussion, and jointly moved for suspension of proceedings and postponement of the timelines agreed at the CMD.
5. On 31 July 2024, the Tribunal issued Order No. 97 (NBI/2024) granting the parties’ motion. The Tribunal made the point then that the oral hearing in this matter will remain as scheduled.
6. On 28 August 2024, the parties filed the subject motion of the present order asking for further suspension of proceedings. The parties moved the Tribunal to allow them to conclude discussions for an amicable settlement which are “at an advanced stage.”

## **Consideration**

7. The Tribunal commends the parties for their sustained efforts at resolving this dispute amicably and without recourse to further litigation. To that end, it grants the joint motion as requested.
8. The Tribunal reminds the parties that, in the event that settlement discussions are unsuccessful, the hearing schedule will remain as agreed. In particular, the Tribunal notes that the parties have agreed to extend the deadline for disclosures

until the week before the scheduled hearing. Parties are reminded that the Tribunal will not entertain any motion for continuance of the hearing based on the disclosures having been filed by that deadline.

**Conclusion**

9. In view of the foregoing, it is ORDERED THAT:
- a. The parties' joint motion is hereby **GRANTED**;
  - b. By **Friday, 27 September 2024**, the parties will apprise the Tribunal about the status of their settlement discussions;
  - c. In the event that settlement discussions are unsuccessful, the disclosures previously ordered will be filed by **30 September 2024**;
  - d. The hearing schedule set for this matter remains as previously scheduled on 8-9 October 2024.

*(Signed)*

Judge Sean Wallace

Dated this 30<sup>th</sup> day of August 2024

Entered in the Register on this 30<sup>th</sup> day of August 2024

*(Signed)*

Wanda Carter, Registrar, Nairobi