



UNITED NATIONS DISPUTE TRIBUNAL

Cases No.: UNDT/NY/2012/003
UNDT/NY/2013/033
Order No.: 162 (NY/2013)
Date: 2 July 2013
Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

EL-KOMY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Lennox Hinds
Claire Gilchrist

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat
Sarahi Lim Baró, ALS/OHRM, UN Secretariat

Introduction

1. By Order No. 156 (NY/2013), the Dispute Tribunal directed the parties to file a joint submission stating, *inter alia*, whether they agree to attempt to resolve Cases No. UNDT/NY/2012/003 and UNDT/NY/2013/033 informally either through the Mediation Division or through *inter partes* discussions. Failing to agree to informal resolution of the cases, the parties were directed to file a jointly-signed statement in preparation for a hearing on the merits. The parties were ordered to file their joint statement by 5 p.m. on 2 July 2013.

2. On 28 June 2013, Counsel for the Respondent filed a motion seeking an extension of time to respond to Order No. 156 (NY/2013). She states that senior managers of the Department for General Assembly and Conference Management (“DGACM”) are away attending an annual coordination meeting in Bangkok and will not be able to fully address the matter until 12 July 2013. She seeks an extension of time until 14 July 2013 to respond to Order No. 156 (NY/2013). According to the Respondent, the Applicant agrees to an extension of time until 10 July 2013, but not beyond that date, because in Mr. Hinds’ view, senior managers of DGACM and Counsel for the Respondent should be able to consult on the matters referred to in the Order via email.

Consideration

3. Having considered the Respondent’s request, and taking due note of the Applicant’s objection to any extensions beyond 10 July 2013, the Tribunal finds it appropriate to extend the time for compliance with Order No. 156 (NY/2013) as requested by the Respondent (i.e., to Monday, 15 July 2013, as the requested date of 14 July 2013 falls on a Sunday). The Tribunal notes, in particular, that the extension sought is not excessive and no submission has been made that it would cause any prejudice to the Applicant.

IT IS ORDERED THAT:

4. By **5 p.m., Monday, 15 July 2013**, the parties are to file a jointly-signed statement answering to each of the following:

a. Whether they agree to attempt to resolve the cases informally either through the Mediation Division or through *inter partes* discussions;

—*or*, in the event the parties do not agree to resolve the cases informally—

b. Whether they agree to the cases being heard on an expedited basis;

c. A joint proposal as to the date for the hearing on the merits, ensuring that the witnesses the parties intend to call are available on that day;

d. Tentative lists of witnesses that the Applicant and the Respondent intend to call at the hearing on the merits.

5. All submissions filed by the parties in relation to these two cases shall be filed in Case No. UNDT/NY/2013/033 only, in order to avoid any unnecessary duplication of filings.

(Signed)

Judge Ebrahim-Carstens

Dated this 2nd day of July 2013