



UNITED NATIONS DISPUTE TRIBUNAL

Cases No.: UNDT/NY/2012/003
UNDT/NY/2013/033
Order No.: 169 (NY/2013)
Date: 15 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 REFERRAL TO MEDIATION AND
SUSPENSION OF PROCEEDINGS**

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. The deadline was subsequently extended by Order No. 162 (NY/2013), at the Respondent's request, until 15 July 2013.

2. On 15 July 2013, the parties filed a joint submission stating their agreement to attempt informal resolution of the cases through the Mediation Division of the United Nations Office of the Ombudsman and Mediation Services. The parties request the Tribunal to "give appropriate direction to the Mediation Division for mediation proceedings to be initiated on an expedited basis". The parties agree that mediation should proceed as soon as possible.

Consideration

3. The Tribunal finds it appropriate to refer the cases to the Mediation Division and to suspend the present proceedings for two weeks to facilitate informal resolution of the cases. The relatively short period of time of two weeks is given in view of the urgency with which the parties are seeking informal resolution. In the Tribunal's view, this case is particularly ripe for informal resolution, and the Tribunal appreciates that the Mediation Division and the parties will take all appropriate steps to ensure that these cases are resolved in the most expeditious manner possible.

4. The Tribunal commends both parties for their good faith efforts aimed at resolving the cases amicably. Such efforts should be encouraged as amicable resolution of cases saves the valuable resources of staff and the Organization and contributes to the harmonious working relationship between the parties.

IT IS ORDERED THAT:

5. The present cases are hereby referred to the Mediation Division of the United Nations Ombudsman and Mediation Services for mediation pursuant to art. 15 of the Tribunal's Rules of Procedure.

6. The proceedings are suspended until **Monday, 29 July 2013**.

7. On or before **Monday, 29 July 2013**, the parties or the Mediation Division shall inform the Tribunal as to whether the cases have been resolved. If so, the Applicant shall confirm to the Tribunal, in writing, that his applications in both cases are withdrawn fully, finally, and entirely, including on the merits.

(Signed)

Judge Ebrahim-Carstens

Dated this 15th day of July 2013