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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/046  
Order No.: 195 (NBI/2020)  
Date: 6 October 2020  
Original: English

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**Before:** Judge Francis Belle  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

ULAR

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON FURTHER SUSPENSION OF  
PROCEEDINGS PENDING MEDIATION**

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**Counsel for the Applicant:**

## **Introduction**

1. The Applicant holds a fixed term appointment at the FS-4 level with the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo ( MONUSCO ). She serves as an Administrative Assistant and is based in Kinshasa.

2. On 3 May 2019, she filed an application with the Dispute Tribunal. The Applicant described the decision she challenges as: (a) continued harassment, unfair treatment and abuse of authority that cannot be classified as one single decision; (b) breach of several rules and regulations; (c) not being considered and bypassed for promotion on several occasions resting with a decision made on 22 January 2019; (d) not being compensated for work performed at a higher level; and (e) failure to address a claim for sexual harassment and abuse.

3. On 10 June 2019, the Respondent filed his reply.

4. On 9 January 2020, the Applicant filed a motion seeking an order for interim measures to reassign her to another duty station because of alleged ill-treatment by her colleagues and her Second Reporting Officer ( SRO ) following the filing of her application on 3 May 2019. The Tribunal issued Order No. 013 (NBI/2020) dismissing the motion for interim measures.

5. On 23 July 2020, the Tribunal issued Order No. 140 (NBI/2020) to manage the case. Among other things, the Tribunal asked the parties if they are amenable to the matter being resolved *inter partes*.

6. On 4 August 2020, the parties filed a joint motion for suspension of proceedings pending mediation and asked that the matter be referred to the Office of the Ombudsman and Mediation Services ( OMS ) to facilitate the process. This

motion was granted on 6 August 2020 by Order No. 147 (NBI/2020) suspending proceedings to 31 August 2020.

7. On 31 August 2020, the Director of Mediation wrote to the Registry of the resolve this matter without recourse to litigation.

8. On 2 September 2020, the Tribunal issued Order No. 168 (NBI/2020) granting the extension of time that was sought.

9. On 2 October 2020, the Director of Mediation informed the Tribunal that the parties are continuing their discussions in good faith towards a partial settlement of the dispute, and that an extension of the suspension of proceedings would facilitate finalization of those discussions.

### **Considerations**

10. The Tribunal commends the parties for their sustained efforts at resolving this matter *inter partes*.

11. To this end, the Tribunal makes the following **ORDERS**:

- i. The motion for suspension of proceedings is hereby **GRANTED**;
- ii. The Registry is **DIRECTED** to serve a copy of this Order on OMS;
- iii. The parties and/or OMS should advise the Tribunal on the status of mediation by **12 October 2020**; and
- iv. The proceedings in the matter of *Ular v Secretary General of the United Nations* (UNDT/NBI/2019/046) are hereby suspended pending mediation.

