



**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

HUNT-MATTHES

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 the Applicant:**  
Nicole Washienko, OSLA

**Counsel for the Respondent:**  
Lance Bertholomeusz, UNHCR

## **Procedural History**

1. The Applicant is a former staff member of the United Nations High Commissioner for Refugees (UNHCR). She filed an appeal with the former United Nations Administrative Tribunal (former United Nations Administrative Tribunal) challenging UNHCR's decision to not renew her fixed-term appointment on grounds of poor performance.

2. On 1 January 2010, the matter was transferred to the Geneva Registry of the United Nations Dispute Tribunal (UNDT) in accordance with ST/SGB/2009/11 (Transitional measures related to the introduction of the new system of administration of justice). The case was later transferred to the UNDT in Nairobi by Order No. 51 (GVA/2010).

3. On 28 May 2013, the UNDT rendered Judgment No. UNDT/2013/084 in which it found for the Applicant.

4. On 26 July 2013, the Secretary-General appealed the first instance Judgment.

5. On 29 August 2014, the United Nations Appeals Tribunal (UNAT) rendered Judgment No. 2014-UNAT-443 remanding the judgment of the UNDT "for a hearing *de novo* before a different judge".

6. On 28 April 2015, the Tribunal issued Order No. 137 (NBI/2015) setting this matter down for a case management discussion (CMD).

7. On 7 May 2015, the Tribunal held the CMD. The Tribunal informed the parties that, having perused the file as it was then constituted, that is, containing motions related also to other proceedings involving the parties and their multiple supplements, freshly articulated pleadings should be filed to ensure efficient and effective litigation in this case. Counsel for both parties agreed.

8. On the same day, the Tribunal issued Order No. 152 (NBI/2015) setting deadlines for the filing of parties' pleadings.

9. The Applicant filed her application on 18 June 2015.
10. The Respondent filed his reply on 20 July 2015.
11. On 4 August 2016, the Tribunal issued Order No. 408 (NBI/2016) setting this matter down for a CMD. The parties were required to come with their respective client's instructions on their willingness to have this matter mediated or otherwise settled informally.
12. The CMD took place on 20 September 2016. Both parties were represented by Counsel. The Applicant was also present and participated in the discussion.
13. On 21 September 2016, the Tribunal issued Order No. 436 (NBI/2016) recording the contents of the CMD and directed the parties to advise on the likelihood of this matter being settled *inter partes*.
14. On 27 October 2016, the parties filed a motion to inform the Tribunal that they continue to be committed to exploring informal settlement avenues, including by way of external mediation. To that end, the parties moved for proceedings to be suspended by one month.
15. On 7 November 2016, the Tribunal issued Order No. 476(NBI2016) granting the parties' motion and directed that they advise the Tribunal on the status of their consultations by 9 December 2016.
16. On 14 December 2016, the parties sought more time to explore the various options for mediation.
17. The Tribunal granted the parties' motion by way of Order No. 503 (NBI/2016) on 19 December 2016. The parties were directed to advise the Tribunal of the status of their discussions by 19 January 2017.
18. On 19 January 2017, the parties filed the subject motion of the present decision to advise the Tribunal that they are making progress in their consultations on the terms of the mediation process, including on the selection of a mediator,

and move for an extension on the suspension of proceedings “pending formal establishment of the mediation process.”

**Considerations and Order**

19. The Tribunal commends the parties for their sustained efforts at having this matter resolved without recourse to litigation.

20. The Tribunal **GRANTS** the parties’ motion for suspension of proceedings.

21. Pursuant to art. 10.3 of the Statute of the Tribunal, and art. 19 of the Rules of Procedure, the matter of *Hunt-Matthes v Secretary-General of the United Nations* (Case No. UNDT/NBI/2010/053/R1) is hereby further **SUSPENDED**.

22. The parties are **DIRECTED** to jointly advise the Tribunal of the status of their consultations by **17 February 2017**.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 19<sup>th</sup> day of January 2017

Entered in the Register on this 20<sup>th</sup> day of January 2017

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi