



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/044
Order No.: 207 (NBI/2019)
Date: 5 December 2019
Original: English

Before: Judge Margaret Tibulya.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MASSART

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CHANGE OF VENUE

Counsel for the Applicant:
Monika Ona Bileris, Esq.

Counsel for the Respondent:
Faiza Zouakri, UNDP

Introduction

1. The Applicant is a former Security Advisor with the United Nations Development Programme (UNDP). He served at the P-4 level on a fixed term appointment, and based at the UNDP Djibouti Country Office. The Applicant was separated from service of the Organisation on 27 February 2017.
2. On 11 May 2017, he filed an application with the United Nations Dispute Tribunal (UNDT) contesting his summary dismissal.
3. The Respondent filed his reply to the application on 15 June 2017.
4. On 23 June 2017, the Applicant filed a motion for leave to file a response to the Respondent's reply to address arguments and inaccuracies contained therein, and to provide the Tribunal and the parties involved with a full and complete understanding of the case.
5. On 22 July 2019, the Tribunal issued Order No. 102 (NBI/2019) granting the Applicant's motion to respond to the Respondent's reply.

Case Management Discussion

6. Counsel for both Parties attended a case management discussion on 3 December 2019.
7. At the case management discussion, Counsel for the Respondent told the Tribunal that he was not open to this matter being resolved *inter partes* and that the Respondent is ready for this matter to proceed to trial. Counsel for the Applicant, although prepared to engage in settlement discussions, likewise indicated that they are trial ready.

8. Both Parties indicated a preference for this matter to be transferred to the Tribunal sitting in New York, as Counsel for both Parties are located in the United States.

Order

9. In accordance with art. 19 of the Rules of Procedure of the Tribunal, the present case is hereby **transferred** to the United Nations Dispute Tribunal in New York with immediate effect.

10. The Tribunal **directs** the Registry in Nairobi to effect the necessary arrangements for the transfer of the file to the Registry in New York.

(Signed)

Judge Margaret Tibulya.

Dated this 5th day of December 2019

Entered in the Register on this 5th day of December 2019

(Signed)

Eric Muli, Legal Officer, for,
Abena Kwakye-Berko, Registrar, Nairobi