



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/NBI/2025/004
Order No.:	24 (NBI/2025)
Date:	5 March 2025
Original:	English

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**Before:** Duty Judge

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

EL-SIBAI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Robbie Leighton, OSLA

**Counsel for Respondent:**

Lucienne Pierre, AS/ALD/OHR/UN Secretariat  
Tamar Gongadze, AS/ALD/OHR/UN Secretariat

## **Introduction**

1. By application filed on 17 January 2025, the Applicant, a Programme Management Officer working with the United Nations Economic and Social Commission for Western Asia filed an application contesting the decision to close her complaint of harassment and abuse of authority without investigation.

2. The Applicant contends, among others, that the decision was taken *ultra vires*. The original memo closing her complaints was from and signed by the Assistant Secretary-General, Office of Human Resources (“ASG/OHR”). It did not indicate the decision was made under delegation of authority, that the ASG/OHR signed on behalf of the Secretary-General, nor that the decision had been taken by the Secretary-General.

3. The Respondent submitted a reply on 20 February 2025, in which it argues that the application has no merit. The contested decision was lawful and constituted a reasonable exercise of discretion under sec. 5 of ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process).

4. The Respondent submits that the Applicant was provided with the reasons why investigation was not undertaken. Further, on 6 August 2024, the ASG/OHR sent the Applicant a corrigendum, clarifying that the Secretary-General had decided not to initiate an investigation under section 5.6 (b) of ST/AI/2017/1 and decided to take managerial action under sec. 5.7 (a) of ST/AI/2017/1.

## **Consideration**

### *Filing of a rejoinder*

5. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue an order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

6. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to give the Applicant an opportunity to comment on the Respondent’s reply by means of a rejoinder.

*Amicable settlement*

7. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

**Conclusion**

8. In view of the foregoing, it is ORDERED THAT:

- a. By **Monday, 17 March 2025**, the Applicant shall file a rejoinder; and
- b. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Wednesday, 26 March 2025**.

*(Signed)*

Judge Sean Wallace, Duty Judge

Dated this 5<sup>th</sup> day of March 2025

Entered in the Register on this 5<sup>th</sup> day of March 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi