



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/011
Order No.: 044 (NY/2024)
Date: 9 April 2024
Original: English

Before: Judge Margaret Tibulya

Registry: New York

Registrar: Isaac Endeley

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Laure Levi, Lead Counsel
Pauline Baudoux, Co-Counsel

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR, UN Secretariat

Notice: This Order has been amended pursuant to Order No. 50 (GVA/2025).

Introduction

1. On 2 April 2024, the Applicant filed a motion for “change of venue” requesting the transfer of the present case from the seat of the Dispute Tribunal in New York to the seat in Geneva.

2. As justification for the request, the Applicant submits that following the non-renewal of her fixed-term appointment with the Organization, she has relocated from New York back to her home in Brussels, Belgium and that her newly appointed Lead Counsel and Co-Counsel are based there. She also submits that she “remains under treatment” by a physician in Brussels and adds that “given her medical [condition]”, in the event that the Tribunal orders a hearing in the present case, “it will be easier for the Applicant to travel to Geneva, which is in the same time zone as Brussels” as compared to New York. She concludes that it is “desirable for the Applicant to have her case transferred to the Geneva Registry, since this is closer to Belgium and will also limit the legal cost/fees”.

3. The Respondent filed a response on 5 April 2024 opposing the motion and stating that the Applicant has failed to meet her burden of proving that a change of venue is appropriate.

Considerations

4. Pursuant to art. 19 of the Dispute Tribunal’s Rules of Procedure, the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

5. Article 6 of the Rules of Procedure also provides as follows:

1. An application shall be filed at a Registry of the Dispute Tribunal, taking into account geographical proximity and any other relevant material considerations.

2. The Dispute Tribunal shall assign cases to the appropriate Registry. A party may apply for a change of venue.

6. The Tribunal notes the Applicant's current medical condition and the fact that she is under the care of a physician based in Brussels. The Tribunal further notes that the Applicant is now represented by private counsel with offices in Brussels. Despite the widespread availability of teleconferencing tools that now allow hearings and other court proceedings to be conducted virtually, the Tribunal observes that the physical distance and time difference between New York and Brussels remain significant factors in terms of effective case management. The Tribunal is also of the view that maintaining the Applicant's case in New York, rather than transferring it to Geneva, would have a negative impact on the Applicant's access to the internal justice system.

7. The Tribunal is mindful of the effects that a transfer of the case might have on the Respondent who has worked diligently on the matter from the initial filing of the application to the present stage of the proceedings. On balance, however, the Tribunal concludes that the Respondent will not be prejudiced by a transfer as the Organization has adequate resources and representation at its disposal in Geneva and across the globe.

8. Accordingly, having considered the totality of the circumstances presented by the Applicant in the motion and the response of the Respondent, the Tribunal finds that it is in the interest of justice to grant the request.

9. In light of the foregoing,

IT IS ORDERED THAT:

10. The Applicant's motion for the transfer of the present case to Geneva is granted.

(Signed)

Judge Margaret Tibulya

Dated this 9th day of April 2024

Entered in the Register on this 9th day of April 2024

(Signed)

Isaac Endeley, Registrar, New York