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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/063  
Order No.: 46 (NY/2019)  
Date: 7 March 2019  
Original: English

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**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

## **Introduction**

1. By Order No. 13 (NY/2019) dated 17 January 2019, the Tribunal first identified the issues of the case on a preliminary basis and without prejudice to any subsequent findings. As the Applicant had made a number of new factual and legal submissions to which the Respondent had not had a chance to respond to, the Tribunal ordered the parties to file a jointly signed statement by 21 February 2019 providing information as to: (a) a consolidated list of agreed facts; (b) a consolidated list of disputed facts; (c) the necessity for a hearing for witnesses to provide testimony to support any disputed facts or any other issue; and (d) if the parties would be willing to enter into negotiations on resolving the case amicably either through the assistance of the Office of the Ombudsman and Mediation Services or *inter partes*.

2. On 21 February 2019, contrary to Order No. 13 (NY/2019), each party filed an individual submission in which it was indicated that the parties could not agree on a jointly signed statement. As such, separate chronologies of facts were proposed. Also, while the Applicant wished a hearing to be held at which he would call two witnesses, the Respondent stated that the case could be handled on the papers but reserved his right to identify witnesses should the Tribunal decide to hold a hearing. Both parties stated their willingness to enter into informal dispute resolution discussions

filing a jointly signed statement. This is not conducive to an efficient, expeditious and fair judicial process, and the parties have the obligation and duty to assist the Tribunal therewith. In this regard, the parties are reminded that, in accordance with

Herein, there is no reason why the Tribunal cannot award cost against both parties. Also, the Tribunal observes that while both parties state that they are willing to enter into informal discussions, they are not capable of agreeing on an appropriate way to do so.

4. Considering the difficulties that the parties are having with themselves and with following the orders of this Tribunal, the Tribunal orders them to attend a case management discussion to discuss the way forward involving further proceedings, including: what are the overriding and basic issues of the case; in light thereof, what are the factual matters about which the parties disagree; what is the need, if any, for further evidence, including witness testimonies; and what are the options for informally resolving the case.

IT IS ORDERED THAT:

5. The parties are to attend a Case Management Discussion at the courtroom of the Dispute Tribunal at **10:00 a.m. on Thursday, 21 March 2019**.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 7<sup>th</sup> day of March 2019