



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

RYAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Halil Göksan, AS/ALD/OHR, UN Secretariat

Introduction

1. On 26 April 2022, the Applicant filed a rebuttal against his 2021-2022 performance evaluation, its overall rating of “partially meets performance expectations”, and numerous allegedly false and defamatory comments, pursuant to sec. 15 of ST/AI/2021/4 (Performance Management and Development System).
2. On 27 July 2023, the parties filed a joint submission seeking to suspend the proceedings pending mediation efforts.
3. By Order No. 86 (GVA/2023), the Tribunal granted the parties’ joint motion and suspended the proceedings until 28 August 2023.
4. By email dated 28 August 2023, the Office of the United Nations Ombudsman and Mediation Services (“UNOMS”) informed the Tribunal that the parties are still involved in mediation, and requested a further suspension of the proceedings.
5. By Order No. 112 (GVA/2023), the Tribunal granted the request to suspend the proceedings until 22 September 2023.
6. By email dated 22 September 2023, UNOMS requested *inter alia* a further suspension of the proceedings until 27 October 2023.

Consideration

7. In support of its 22 September 2023 request, UNOMS submits that the parties have reached an agreement in principle but will need additional time to conclude the mediation process.
8. Recalling that the General Assembly has consistently encouraged alternative dispute resolution and taking note of the above, the Tribunal commends the parties for their settlement efforts.
9. Guided by arts. 15.3, 15.4 and 15.5 of its Rules of Procedure, the Tribunal finds that it is in the interest of justice to give the parties sufficient time to finish their mediation process by further suspending the proceedings as requested.

Conclusion

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

- a. The proceedings before the Tribunal in this matter be further suspended during the parties' mediation discussions under the auspices of the Office of the United Nations Ombudsman and Mediation Services until **Friday, 27 October 2023**;
- b. If a mediation agreement is reached within this period, the parties or the Office of the Ombudsman shall inform the Tribunal accordingly without delay, and the Applicant shall confirm to the Tribunal, in writing, that his application is withdrawn; or
- c. If no settlement agreement can be reached within the prescribed period, the parties or the Office of the Ombudsman shall inform the Tribunal by **Tuesday, 31 October 2023**.

(Signed)

Judge Margaret Tibulya (Duty Judge)

Dated this 25th day of September 2023

Entered in the Register on this 25th day of September 2023

(Signed)

René M. Vargas M., Registrar, Geneva