



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Eric Muli, Officer-in-Charge

ASLAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Manuel Calzada

Counsel for the Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant was the Chief Procurement Officer with the African Union/United Nations Hybrid Operation in Darfur (“UNAMID”). He held a continuing appointment at the P-5 level and was based in El-Fasher, Sudan. He contests the Respondent’s decision to deny his claim for Appendix D benefits.

Procedural History

2. On 22 February 2023, the Applicant filed a motion for extension of time to file an application before the United Nations Dispute Tribunal in respect of the decision by the United Nations Advisory Board on Compensation Claims (“ABCC”) dated 15 August 2022 to deny his claim for illness and injuries to his right knee.

3. By Order No. 054 (NBI/2023) dated 24 February 2023, the Tribunal granted the Applicant’s motion.

4. On 24 April 2023, the Applicant filed his application challenging the decision of the Controller to endorse the recommendation of the ABCC to deny his claim for compensation.

5. The Respondent filed his reply to the application on 12 June 2023. The Respondent moved the Court to dismiss the application on ground that the Applicant has failed to provide the evidence necessary to support his claim.

6. The Tribunal held a case management discussion (“CMD”) on 20 December 2023 to discuss the issues and further evidence necessary for proper adjudication of this case.

7. On 21 December 2023, the Tribunal issued Order No. 176 (NBI/2023) directing the parties to provide the Court with “all medical documents in his custody, care, or control that relate to treatments undertaken and/or his physical condition from 1996 to

present” by 1 March 2024. The parties were also strongly encouraged to consider engaging in settlement discussions to resolve this matter *inter partes*.

8. On 30 January 2024, the Registry wrote to the parties. On the direction of the Presiding Judge, the Registry wrote:

The Tribunal **strongly** encourages the parties to deploy the necessary effort towards having this matter resolved *inter partes* or with the assistance of the United Nations Office of the Ombudsman and Mediation Services (UNOMS).

The gathering of documents for submission to the Tribunal by 1 March 2024 should proceed apace, while alternative dispute resolution is being explored.

9. On 14 February 2024, the Applicant filed submissions indicating that the Respondent is not open to “pursuing a negotiated settlement” because the ABCC now wishes to review the Applicant’s case afresh.

Case management

10. The Tribunal has considered the Applicant’s submissions and makes the following orders:

- a. The Respondent is directed to respond to the Applicant’s submissions dated 13 February 2024 by **22 February 2024**; and
- b. The parties will attend a CMD on **4 March 2024** at 11.00 a.m. (Nairobi time).

(Signed)

Judge Sean Wallace

Dated this 15th day of February 2024

Entered in the Register on this 15th day of February 2024

(Signed)

Eric Muli, Officer-in-Charge, Nairobi