



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1252

Wilson
(Applicant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 354 (2019)

1. On 18 March 2019, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York issued Judgement No. UNDT/2019/041 in the case of *Wilson v. Secretary-General of the United Nations*.
2. On 24 April 2019, Mr. Anthony Wilson filed an appeal against this Judgement before the United Nations Appeals Tribunal (Appeals Tribunal). The case was registered as Case No. 2019-1252.
3. On 17 May 2019, the Secretary-General also filed an appeal against the Judgment. The case was registered as Case No. 2019-1260.
4. On 17 May 2019, Mr. Wilson filed a request for withdrawal of his appeal of 24 April 2019, “pursuant to the terms and conditions of a confidential settlement agreement”. Mr. Wilson stated that “[t]his is a full, final and entire withdrawal, including on the merits, with no right of reinstatement”. On 22 May 2019, Counsel for the Secretary-General advised that he had no comments on Mr. Wilson’s withdrawal request.
5. On 29 May 2019, Mr. Wilson filed an answer to the Secretary-General’s appeal, in which he advised that he took no position on the Secretary-General’s appeal, “[i]n light of the recent agreement reached between the parties and the desire to seek an end to the current litigation”.

6. On 6 June 2019, Counsel for the Secretary-General clarified that while Mr. Wilson desired to withdraw his appeal, the Secretary-General wished to maintain his appeal, as “the issues addressed in the Secretary-General’s [a]ppeal were not part of the agreement concluded with Mr. Wilson”.

7. On 6 September 2019, Mr. Wilson filed a motion seeking consideration from the Appeals Tribunal for an expedited determination regarding his request for withdrawal of his appeal of 24 April 2019. He asks this Tribunal to issue an order to dismiss his appeal so as to facilitate the confidential agreement signed between the parties. Mr. Wilson clarifies that his latest motion is without prejudice to the Secretary-General’s 17 May 2019 appeal.

8. The Appeals Tribunal has routinely granted motions to withdraw appeals when the non-moving parties express no objection. Our jurisprudence provides that “a party may withdraw an appeal simply by giving notice”. As we have stated, there is “no reason to require [a party] to pursue an appeal he [or she] no longer deems necessary in the context of his [or her] case”.¹ Accordingly, the Registrar should be directed to close Case No. 2019-1252.

IT IS HEREBY ORDERED that Mr. Wilson’s Motion to withdraw his appeal be granted, and that the case be closed and removed from the Appeals Tribunal’s docket.

Original and Authoritative Version: English

Dated this 11th day of September 2019
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
Duty Judge

Entered in the Register on this 12th day
of September 2019 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Yousef v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2017-UNAT-717, para. 10, quoting *Baracungana v. Secretary-General of the United Nations*, Order No. 243 (2015), para. 4.