



**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

KERCELI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON WITHDRAWAL**

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**Counsel for the Applicant:**  
Aleksandra Jurkiewicz, OSLA

**Counsel for the Respondent:**  
Alan Gutman, ALD/OHR

## **Introduction**

1. On 28 March 2019, the Applicant, a staff member of the United Nations Truce Supervision Organization (UNTSO), filed an application challenging the Administration's decisions: not to honour its commitment undertaken in a settlement agreement; and to change [the Applicant's] designated official nationality in UMOJA from "Other – Kosovo under UN Security Council Resolution 1244 (1999)" to Serbian.
2. The application was served on the Respondent on 1 April 2019 with a statutory deadline of 6 May 2019 to file a reply.
3. The parties filed a joint motion on 2 May 2019 requesting suspension of the proceedings and of the deadline for the Respondent's reply, for 14 days to allow them to finalize and implement a written settlement agreement. The Tribunal granted the motion by way of Order No. 054 (NBI/2019) dated 3 May 2019.
4. On 7 May 2019, the Applicant filed a motion to withdraw his application in accordance with the terms and conditions of a confidential settlement agreement.
5. The Tribunal commends the parties for successfully pursuing amicable settlement in resolving this matter.

## **Judgment**

6. The Applicant's motion to withdraw his application is granted.
7. There being no matter for judicial determination in this case, it is ordered that Case No. UNDT/NBI/2019/040 be struck off and closed.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 8<sup>th</sup> day of May 2019

Entered in the Register on this 8<sup>th</sup> day of May 2019

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi