



Before: Duty Judge
Registry: Geneva
Registrar: René M. Vargas M.

MILENKOVSKI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
MOTION FOR WITHDRAWAL**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Jan Schrankel, UNHCR
Zuzana Kovalova, UNHCR

Introduction

1. The Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Belgrade, contests the decision not to select her for the position of Assistant External Relations Officer with UNHCR Belgrade.

Procedural background

2. On 22 January 2021, the Applicant filed the present application with the Tribunal.

3. On 25 January 2021, the Tribunal served the application on the Respondent with a deadline for his reply set to 24 February 2021.

4. By a joint motion filed on 16 February 2021, the parties advised the Tribunal that they had been engaged in settlement discussions with a view to amicably resolving the matter. They thus requested suspension of the proceedings for an initial period of one month and, accordingly, an extension of the deadline for the filing of the Respondent’s reply until 24 March 2021. The request was granted by Order No. 52 (GVA/2021) of 17 February 2021.

5. On 17 March 2021, the parties filed a second joint motion requesting a further suspension of the proceedings for a period of one month. The request was granted by Order No. 71 (GVA/2021) of 18 March 2021.

6. On 19 April 2021, the parties filed a third joint motion requesting a further suspension of the proceedings for a period of one month on the grounds of the absence of key stakeholders during the Easter period. The request was granted by Order No. 77 (GVA/2021) of 19 April 2021.

7. On 20 May 2021, the parties filed a fourth joint motion requesting a further suspension of the proceedings for a period of two weeks while advising the Tribunal that “they have reached agreement in principle on the terms of an amicable settlement” but “require some more time to draw up and conclude the settlement

agreement". The request was granted by Order No. 91 (GVA/2021) of 20 May 2021.

8. On 1 June 2021, the Applicant filed a "Motion to Discontinue and Withdraw Proceedings" advising the Tribunal that the parties had reached an agreement and informally resolved the dispute.

Consideration

9. Having reviewed the motion, the Tribunal sees no obstacle to the withdrawal of the case.

10. The Applicant's clear and unequivocal withdrawal of her application through a final and binding mutual agreement requires no pronouncement on the merits and concludes the current matter before the Tribunal. As the matter has now been settled by mutual agreement, there is no longer any matter for adjudication before the Tribunal.

11. Considering that the amicable settlement of disputes is encouraged and is important, especially in circumstances where there is an ongoing employment relationship, the Tribunal commends both parties for their good faith efforts in resolving this case amicably by mutual agreement.

Conclusion

12. In view of the foregoing, it is ORDERED that Case No. UNDT/GVA/2021/009 be closed.

(Signed)

Judge Teresa Bravo (Duty Judge)

Dated this 2nd day of June 2021

Entered in the Register on this 2nd day of June 2021

(Signed)

René M. Vargas M., Registrar, Geneva