



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

DUYSENHANOVA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
MOTION FOR WITHDRAWAL**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Bettina Gerber, LPAS, UNOG

Esther Saabel, LPAS, UNOG

Introduction

1. By application filed on 16 December 2021, the Applicant, a staff member with the United Nations Office for Outer Space Affairs (“UNOOSA”), contests the decision to close her complaint against the Director of UNOOSA for harassment and abuse of authority with only managerial action.
2. On 17 December 2021, the application was served on the Respondent who was expected to file his reply by 17 January 2022.
3. On 21 December 2021, the Respondent filed a motion for extension of two weeks to file his reply.
4. By Order No. 184 (GVA/2021) of 22 December 2021, the Tribunal granted the above-mentioned motion.
5. On 28 January 2022, the Respondent filed another motion for extension of time until 7 February 2022 to file his reply, which was granted by the Tribunal on the same day.
6. On 7 February 2022, the Respondent filed his reply with an *ex parte* annex, i.e., Annex 20: “Investigation report on prohibited conduct by a staff member at the United Nations Office for Outer Space Affairs (ID Case No. 1022/19)” (hereafter, “investigation report”).
7. By Order No. 10 (GVA/2023) of 17 February 2023, the Tribunal:
 - a. Ordered, *inter alia*, the Respondent to redact the investigation report and refile its redacted version on an under seal basis by 21 February 2023; and
 - b. Invited the Applicant to file a rejoinder by 6 March 2023.
8. On 6 March 2023, the Applicant filed her rejoinder pursuant to the above-mentioned Order.

9. By Order No. 20 (GVA/2023) of 10 March 2023, the Tribunal instructed the Respondent to file his comments on the Applicant's rejoinder, which he did on 20 March 2023.

10. By email of 24 March 2023, the Tribunal convoked the parties to a case management discussion ("CMD").

11. On 28 April 2023, the CMD took place, as scheduled, virtually through Microsoft Teams, with Counsel for each party present.

12. By Order No. 40 (GVA/2023) of 28 April 2023, the Tribunal ordered that:

a. The Respondent file the recordings of the Applicant's interview with the United Nations Office of Internal Oversight Services ("OIOS") by 1 May 2023;

b. The Applicant file a rejoinder by 15 May 2023; and

c. The Respondent may file comments, if any, on the Applicant's rejoinder by 22 May 2023.

13. On 1 May 2023, the Respondent filed the requested recordings pursuant to Order No. 40 (GVA/2023).

14. On 8 May 2023, the Applicant filed a motion for withdrawal of her application, wherein she confirmed that the withdrawal is full and final including on the merits.

Consideration

15. Having reviewed the motion, the Tribunal sees no obstacle to the withdrawal of the application.

16. Since the Applicant has withdrawn her application, the Tribunal no longer needs to make a determination on the merits and takes note of the withdrawal.

Case No. UNDT/GVA/2021/064

Order No. 49 (GVA/2023)

Conclusion

17. In view of the foregoing, it is ORDERED that there being no further matter for adjudication before the Tribunal, Case No. UNDT/GVA/2021/064 be hereby closed and struck from the Tribunal's docket.

(Signed)

Judge Teresa Bravo

Dated this 17th day of May 2023

Entered in the Register on this 17th day of May 2023

(Signed)

René M. Vargas M., Registrar, Geneva