



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

RYAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
MOTION FOR WITHDRAWAL**

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Halil Göksan, AS/ALD/OHR, UN Secretariat

Introduction

1. On 26 April 2022, the Applicant filed a rebuttal against his 2021-2022 performance evaluation, its overall rating of “partially meets performance expectations”, and numerous allegedly false and defamatory comments, pursuant to sec. 15 of ST/AI/2021/4 (Performance Management and Development System).
2. By application filed on 5 May 2023, the Applicant contests the Respondent’s refusal to remove prejudicial and defamatory material from his performance management records in spite of successful rebuttal.
3. On 26 June 2023, the Respondent filed his reply.
4. On 27 July 2023, the parties filed a joint submission seeking to suspend the proceedings pending mediation efforts.
5. By Order No. 86 (GVA/2023), the Tribunal granted the parties’ joint motion and suspended the proceedings until 28 August 2023.
6. By email dated 28 August 2023, the Office of the United Nations Ombudsman and Mediation Services (“UNOMS”) informed the Tribunal that the parties were still involved in mediation, and requested a further suspension of the proceedings.
7. By Order No. 112 (GVA/2023), the Tribunal granted the request to suspend the proceedings until 22 September 2023.
8. By email dated 22 September 2023, UNOMS requested *inter alia* a further suspension of the proceedings until 27 October 2023.
9. By Order No. 128 (GVA/2023), the Tribunal granted the request to suspend the proceedings until 27 October 2023 and determined that if no settlement agreement was reached within the prescribed period, the parties or UNOMS were to inform the Tribunal by 31 October 2023.
10. By email dated 27 October 2023, UNOMS requested *inter alia* an extension of time to inform the Tribunal of the outcome of the mediation.

11. By Order No. 143 (GVA/2023) of 30 October 2023, the Tribunal granted the request and further suspended the proceedings until 10 November 2023.

12. On 9 November 2023, UNOMS informed the Tribunal by email that the parties had reached a settlement in mediation. The next day, the Applicant filed a motion to withdraw his application.

Consideration

13. Considering that amicable settlement of disputes is strongly encouraged, the Tribunal commends both parties for their good faith efforts in resolving this case amicably by mutual agreement.

14. Having reviewed the Applicant's motion, the Tribunal sees no obstacle to the withdrawal of the application.

15. The Applicant's clear and unequivocal withdrawal of his application through a final and binding mutual agreement requires no pronouncement on the merits and concludes the current matter before the Tribunal.

16. As the matter has now been settled by a mutual settlement agreement, there is no longer any matter for adjudication before the Tribunal.

Conclusion

17. In view of the foregoing, it is ORDERED THAT Case No. UNDT/GVA/2023/025 be hereby closed without liberty to reinstate and struck from the Tribunal's docket.

(Signed)

Judge Sun Xiangzhuang

Dated this 13th day of November 2023

Case No. UNDT/GVA/2023/025

Order No. 156 (GVA/2023)

Entered in the Register on this 13th day of November 2023

(Signed)

René M. Vargas M., Registrar, Geneva