



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

BANAJ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Christopher Bollen

Counsel for Respondent:

UNDP

Introduction

1. The Applicant, a former staff member of the Office of the United Nations Office on Drugs and Crime (“UNODC”), whose contract was administered by the United Nations Development Programme (“UNDP”), filed a motion for an extension of time to file an application on 7 August 2023.
2. In her motion, the Applicant sought an extension of 90 days to file an application contesting the decision to abolish her post following the closure of the office of UNODC in Albania. In support of her request, the Applicant submitted that the Office of the Ombudsman for the United Nations Funds and Programmes was actively mediating between the parties to find a suitable compromise and discuss the terms of a possible mutually agreed settlement.
3. By Order No. 95 (GVA/2023) of 9 August 2023, the Tribunal granted the Applicant’s motion mentioned in para. 1 above, and ordered that she file her application by 7 November 2023.
4. On 3 November 2023, the Applicant filed a motion for a further extension of 90 days to file her application.
5. By Order No. 146 (GVA/2023) of 6 November 2023, the Tribunal granted the Applicant’s motion mentioned in para. 4 above and ordered that she file her application by 5 February 2024.
6. On 2 February 2024, the Applicant filed a third motion for an extension of 90 days to file her application.
7. By Order No. 16 (GVA/2024) of 7 February 2024, the Tribunal granted the Applicant’s motion mentioned in para. 6 above and ordered that she file her application by 22 March 2024.
8. On 9 February 2024, the Office of the Ombudsman for the United Nations Funds and Programmes informed the Tribunal that the parties had settled the matter and would proceed with the implementation of the settlement agreement.

9. The Tribunal's Geneva Registry followed-up on the implementation of the settlement agreement on 22 and 29 February 2024, as well as on 20 March 2024 and was lastly informed on 28 March 2024 by Counsel for the Applicant that the settlement agreement "has not been implemented correctly, and therefore the Applicant [did] not wish to withdraw the pending application". To date, the case is still pending before the Tribunal.

10. On 6 March 2024, the case was assigned to the undersigned Judge.

Consideration

11. The Tribunal notes that although the parties settled the matter around 9 February 2024 under the auspices of the Office of the Ombudsman for the United Nations Funds and Programmes, the Applicant claims that the settlement agreement has not yet been fully implemented.

12. Also, noting that a little over eight months have passed since the Applicant's initial filing of her motion for an extension of time, the Tribunal will now set a deadline for the withdrawal of the current case. Absent a withdrawal, judicial proceedings will resume. In this connection, the Tribunal strongly encourages the parties to cooperate in good faith to bring this case to a close amicably within the deadlines set forth below.

Conclusion

13. In view of the foregoing, it is ORDERED THAT:

a. By **Monday, 29 April 2024**, the Applicant shall withdraw her application;

b. In the absence of a formal withdrawal by the above-mentioned date, the Applicant shall file her application by **Monday, 6 May 2024**.

(Signed)

Judge Sun Xiangzhuang

Dated this 16th day of April 2024

Case No. UNDT/GVA/2023/038

Order No. 34 (GVA/2024)

Entered in the Register on this 16th day of April 2024

(Signed)

René M. Vargas M., Registrar, Geneva