



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

BANAJ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**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 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 to contest 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 settlement agreement on 22 and 29 February 2024, as well as on 20 March 2024. Counsel for the Applicant informed the Registry on 1 March 2024 that "implementation issues had occurred". On 28 March 2024, he informed the Registry that the settlement agreement "ha[d] not been implemented correctly, and therefore the Applicant [did] not wish to withdraw the pending application".

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

11. By Order No. 34 (GVA/2024) of 16 April 2024, the Tribunal instructed the parties, *inter alia*, to cooperate in good faith to bring this case to a close amicably and set 29 April 2024 as a deadline for the Applicant to withdraw her application.

### **Consideration**

12. In her motion for extension of time to file an application, the Applicant clearly indicated that the decision she sought to contest was the abolition of her post following the closure of the office of UNODC in Albania.

13. 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. Counsel for the Applicant confirmed this albeit indicating that the settlement agreement has not been correctly implemented.

14. In *Kallon* 2017-UNAT-742, para. 44, the United Nations Appeals Tribunal referred to the mootness doctrine noting that "when a matter is resolved before judgment, judicial economy dictates that the courts abjure decision".

15. Given that the parties have settled the matter under dispute, the Tribunal finds that the Applicant's application concerning the abolishment of her post has been rendered moot (see *Moalli* Order No. 19 (NBI/2024)).

16. The Tribunal notes that Counsel for the Applicant claims that the settlement agreement “has not been implemented correctly”. In this respect, the Tribunal underlines that the implementation of a settlement agreement is a distinct matter from the contested decision in the present case. The Applicant may wish to explore any recourse available to her concerning said implementation in line with art. 7.4 of the Tribunal’s Rules of Procedure.

### **Conclusion**

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

- a. The application is dismissed as moot; and
- b. The matter of *Banaj v. Secretary-General of the United Nations*, registered under Case No. UNDT/GVA/2023/038, be closed and removed from the Tribunal’s docket.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 10<sup>th</sup> day of May 2024

Entered in the Register on this 10<sup>th</sup> day of May 2024

*(Signed)*

René M. Vargas M., Registrar, Geneva