



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello, Officer-in-Charge

FERGUSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR WITHDRAWAL**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Camila Nkwenti, HRLU, UNOG

Jérôme Blanchard, HRLU, UNOG

Introduction

1. By application filed on 20 December 2023, the Applicant, a staff member of the United Nations Conference on Trade and Development (“UNCTAD”), contests the implied decision not to investigate his complaint of harassment and abuse of authority against his supervisor.
2. By Order No. 23 (GVA/2024), the Tribunal instructed the Applicant to file a rejoinder by 15 April 2024, and encouraged the parties to explore amicable settlement asking them to revert to the Tribunal in this respect by 22 April 2024.
3. Throughout this year, the parties filed six joint motions in total for suspension of proceedings pending the outcome of settlement negotiations, which were all granted by the Tribunal .
4. On 21 November 2024, the Applicant filed a motion to withdraw his application.

Consideration

5. The Applicant informs the Tribunal that the matter under dispute has been settled through an amicable settlement and seeks leave to withdraw his application.
6. Considering that amicable settlement of disputes is strongly encouraged, the Tribunal commends both parties for their good faith efforts in resolving this case by mutual agreement.
7. Having reviewed the Applicant’s motion, the Tribunal sees no obstacle to the withdrawal of the application.
8. 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.
9. As the matter has now been settled by a mutual settlement agreement, there is no longer any matter for adjudication before the Tribunal.

Case No. UNDT/GVA/2023/064

Order No. 139 (GVA/2024)

Conclusion

10. In view of the foregoing, it is ORDERED THAT Case No. UNDT/GVA/2023/064 be hereby closed without liberty to reinstate and struck from the Tribunal's docket.

(Signed)

Judge Sun Xiangzhuang

Dated this 21st day of November 2024

Entered in the Register on this 21st day of November 2024

(Signed)

Liliana López Bello, Officer-in-Charge, Geneva