



Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

GRANFAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER STRIKING OUT THE
APPLICATION**

Counsel for applicant:
Duke Danquah, OSLA

Counsel for respondent:
Stephen Margetts, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant, who was a Political Affairs Officer with the African Union/United Nations Hybrid Operation in Darfur (UNAMID) at the time the cause of action arose, appealed the Respondent's decision of 30 January 2009 to reassign her from the location El-Fasher to the location Zalingei ("the contested decision"). The Applicant contended that, in making the contested decision, her supervisors abused the discretionary authority of the Secretary-General, subjected her to discrimination, harassed her and subjected her to condescending behavior.

Facts

2. By email dated 31 July 2009, the Applicant's Counsel filed this case, which had initially been incorrectly filed in the UNDT New York Registry, with the Nairobi Registry.

3. The Respondent filed his Reply on 9 October 2009.

4. On 3 November 2009, the Registrar invited the Parties to a status conference to look into and attend to all issues having a bearing on the readiness of the case for consideration and determination by the Tribunal. The status conference was held on 11 November 2009.

5. Following the Status conference, the Parties were informed that the Hearing date for the case had been fixed for 8 February 2010. The Hearing was subsequently adjourned on several dates at the Applicant's request as she was transferred from Sudan to Haiti in January 2010.

6. On 21 July 2010, the Applicant's Counsel submitted a notice of withdrawal which stated, *inter alia*, that:

- (i) The Applicant was transferred from the UNAMID mission in Sudan to MINUSTAH in Haiti in January 2010.

(ii) Since the Applicant is no longer based in the remote town of Zalingei - the main source of her complaint and appeal to the JAB - she now considers her original complaint and affiliated issues of harassment and discrimination are no longer viable as causes of action.

(iii) The Applicant has therefore decided not to prosecute her case since the cause of action no longer exists.

(iv) The Applicant withdraws her case No: UNDT/NBI/2009/030 from the docket of the UNDT as a matter she no longer wishes to prosecute.

7. The notice of withdrawal was served on the Respondent on 22 July 2010.

Conclusion

8. In view of the foregoing, the Tribunal hereby makes the following Order:

(i) The present Application to withdraw is hereby granted.

(ii) The case is accordingly struck out.

(Signed)

Judge Nkemdilim Izuako

Dated this 26th day of July 2010

Entered in the Register on this 26th day of July 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi