



Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

XABA-MOTSA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION TO DISCONTINUE**

Counsel for the Applicant:
Alexandre Tavadian, OSLA

Counsel for the Respondent:
Stephen Margetts, ALS/OHRM
Nicole Wynn, ALS/OHRM

Introduction

1. The Applicant is the Chief Human Resources Officer at the Department of Field Service's Regional Service Centre in Entebbe, Uganda. On 14 May 2014, she filed an Application contesting a decision dated 21 January 2014 to reclassify her post and "to deprive her of her primary function".
2. The Respondent filed a Reply to the Application on 16 June 2014.
3. A case management discussion took place on 10 March 2015 during which the Tribunal directed the Counsel for the Applicant to amend his pleadings within seven days and the Respondent to respond to the amended pleadings 14 days after that. The Tribunal also proposed and the Parties agreed that the matter be referred for mediation.
4. Vide Order No. 080 (NBI/2015), it was ordered that the case be referred for mediation to the Mediation Division in the Office of the United Nations Ombudsman and the proceedings be suspended until 17 June 2015.
5. On 16 June 2015 and 5 August 2015, the Ombudsman's office requested the Tribunal for an extension of time to complete the mediation. The requests were granted on 17 June and 15 August 2015 respectively.
6. On 31 August 2015, the Ombudsman's office requested the Tribunal for a further extension of time to 11 September 2015 as the Parties had reached a settlement in principle and were reviewing the agreement for approval and signature.
7. On 10 September 2015, the Applicant filed a "Motion to Discontinue Proceedings" in which she prayed for her Application to be removed from the Tribunal's docket in the light of a Settlement Agreement executed under the auspices of the Ombudsman and Mediation Services.

ORDERS

8. The Tribunal commends and congratulates the Parties for having resolved this matter without recourse to litigation.

9. The Tribunal hereby **GRANTS** the Applicant's Motion and **ORDERS** that the matter of *Xaba-Motsa v Secretary General of the United Nations* (UNDT/NBI/2014/036) be struck off the Court's docket.

(Signed)

Judge Nkemdilim Izuako

Dated this 10th day of September 2015

Entered in the Register on this 10th day of September 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi