



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2010/053/R1
Order No.: 096 (NBI/2018)
Date: 4 June 2018
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

HUNT-MATTHES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
TO DISCONTINUE AND
WITHDRAW PROCEEDINGS**

Counsel for the Applicant:

Robbie Leighton, OSLA
Sallie Bennett-Jenkins QC, 2 Hare Court

Counsel for the Respondent:

Simon Forshaw, 11 KBW
Lance Bartholomeusz, UNHCR
Louis Lapicerella, UNHCR

Procedural background

1. The Applicant is a former staff member of the United Nations High Commissioner for Refugees (UNHCR). She filed an appeal with the former United Nations Administrative Tribunal (former UNAT) challenging UNHCR's decision to not renew her fixed-term appointment.

2. On 1 January 2010, the case was transferred to the United Nations Dispute Tribunal (UNDT) in accordance with ST/SGB/2009/11 (Transitional measures related to the introduction of the new system of administration of justice). The proceedings took place before the UNDT in Nairobi, resulting in Judgment No. UNDT/2013/084 dated 28 May 2013. On appeal the case was remanded for a hearing *de novo* before a different judge. Subsequently, the proceedings were stayed for a year, pending mediation. Following the parties' failure to resolve the dispute through mediation, case management discussions were held where the Tribunal explored whether there were prospects of a settlement between the parties, at the time answered in a negative. Having heard submissions on receivability and evidence, the Tribunal scheduled a hearing to take place during the period from 28 May to 7 June 2018 at the UNDT seat in Geneva.

3. The Tribunal commenced hearing the application on 28 May 2018. During the hearing, the Tribunal again suggested that the parties should consider resolving this dispute informally and, on 29 May 2018 at their request, adjourned the proceedings to allow them time to do so. On 31 May 2018, a management conference was held in which the parties confirmed that they had reached a settlement agreement and wished to have it appended to the Tribunal's order on discontinuance of the proceedings.

4. On 1 June 2018, the Applicant filed a "Motion to discontinue and withdraw proceedings" on the grounds that the parties have reached an agreement. In the said motion, the parties request that the settlement agreement be appended in confidential form to the order/judgment on withdrawal.

ORDERS

5. The Tribunal commends the parties for having resolved this long-running dispute informally and accordingly **ORDERS** that the matter of *Hunt-Matthes v. Secretary-General of the United Nations* (UNDT/NBI/2010/053/R1) be dismissed and struck off the Court's docket.

6. Considered that confidentiality of any out of court settlement is a privilege remaining entirely at the parties' joint disposal, the settlement agreement dated 31 May 2018 is to be appended to this Order as a confidential document not subject to publication.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 4th day of June 2018

Entered in the Register on this 4th day of June 2018

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi