



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/166/
R-1
Order No.: 253 (NBI/2021)
Date: 19 November 2021
Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KEBEDE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR WITHDRAWAL**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Cynthia Cline, ECA

Background

1. On 20 December 2019, the Applicant filed an application contesting what he describes as the United Nations Economic Commission for Africa's ("ECA") decision not to intervene in his case for compensation for additional financial tasks undertaken from October 2007 to February 2017 as part of his functions as Team Assistant, Office of the Staff Union. The Applicant states that the decision was taken on 21 August 2019 by ECA's Chief of the Human Resource Services Section ("HRSS").

2. The Respondent filed a reply on 27 January 2020 in which it was argued that the application was not receivable *rationae materiae* and *ratione temporis*.

3. On 28 May 2020, the Tribunal issued Judgment No. UNDT/2020/078 in which it found that the application was not receivable.

4. The Applicant appealed the said Judgment and, on 19 March 2021, the United Nations Appeals Tribunal issued Judgment No. 2021-UNAT-1101 which granted the appeal in part. With regard to the Applicant's request that the Secretary-General transfer him from the Staff Union to another unit or division of ECA, the case was remanded to the UNDT for a decision on the merits. With regard to his claim for compensation for additional tasks between October 2007 and February 2017 and his associated claim for compensation for moral damages, the appeal was dismissed.

5. The Tribunal held a case management discussion on 8 October 2021 during which the Tribunal proposed and the parties agreed to try and resolve the dispute *inter partes* under the auspices of the Office of the United Nations Ombudsman and Mediation Services ("UNOMS"). The proceedings were subsequently suspended until 3 November 2021 pending the mediation efforts.

6. On 2 November 2021, UNOMS informed the Tribunal that the matter was settled in mediation.

7. By motion filed on 19 November 2021, the Applicant requested the withdrawal of his application on the basis that the matter was settled in mediation and that he had signed a settlement agreement.

ORDERS

8. The Tribunal commends UNOMS and the parties for making best efforts to resolve this matter by mediation.

9. Following the notice of withdrawal, Case No. UNDT/NBI/2019/166/R-1 is hereby closed and removed from the docket.

(Signed)

Judge Margaret Tibulya

Dated this 19th day of November 2021

Entered in the Register on this 19th day of November 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi