



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2022/081
UNDT/NBI/2022/083
UNDT/NBI/2022/084
UNDT/NBI/2022/089
Order No.: 136 (NBI/2022)
Date: 29 September 2022
Original: English

Before: Judge Francesco Buffa

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NGONGO *et al.*

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANTS'
MOTIONS TO WITHDRAW
PROCEEDINGS**

Counsel for the Applicant:

Julia Kyung Min Lee, OSLA
Ana Giulia Stella, OSLA

Counsel for the Respondent:

Jacob van de Velden, DAS/ALD/OHR, UN Secretariat
Andrea Ernst, DAS/ALD/OHR, UN Secretariat

Background

1. On 12 September 2022, among others, the Tribunal received these four applications for suspension of action from former staff members of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”). The Applicants are challenging decisions made on 22 August 2022 to delay the issuance of their payroll clearance action forms until the conclusion of investigations by the Office of Internal Oversight Services (“OIOS”) against them for possible fraud. These four applications were assigned case numbers as set out below.

- a. UNDT/NBI/2022/081 (Ngongo).
- b. UNDT/NBI/2022/083 (Mubiha).
- c. UNDT/NBI/2022/084 (Kasamba).
- d. UNDT/NBI/2022/089 (Ngoie Mwenge).

2. By Order No. 127 (NBI/2022) the Tribunal suspended the proceedings in these cases until 21 September 2022 in view of the parties’ efforts to informally resolve the disputes.

3. On 21 September 2022, Counsel for the Respondent informed the Tribunal that the parties had, *inter alia*, made progress regarding a prospective settlement of these four matters and requested the Tribunal to further suspend the proceedings until 28 September 2022. The Tribunal granted a final extension vide Order No. 130 (NBI/2022) as requested.

4. On 28 September 2022, the Applicants filed motions in these four cases requesting to withdraw the proceedings on the grounds that, on 28 September 2022, they received undertakings from the Organization that their P.35 forms will be

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released given that their final entitlements are sufficient to cover the maximum possible liability to the Organization and that, therefore, with these undertakings from the Organization, their applications for suspension of action had become moot.

ORDERS

5. The Tribunal commends the parties for having successfully resolved these matters informally without recourse to further litigation.

6. As the Applicants have withdrawn their applications, there being no matters remaining for adjudication by the Dispute Tribunal, Case Nos. UNDT/NBI/2022/081, UNDT/NBI/2022/083, UNDT/NBI/2022/084 and UNDT/NBI/2022/089 are hereby closed.

(Signed)

Judge Francesco Buffa

Dated this 29th day of September 2022

Entered in the Register on this 29th day of September 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi