



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/125

Order No.: 129 (NBI/2023)

Date: 8 August 2023

Original: English

**Before:** Judge Francis Belle  
**Registry:** Nairobi  
**Registrar:** Eric Muli, Officer-in-Charge

MATHEW

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON WITHDRAWAL**

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**Counsel for the Applicant:**  
Manuel Calzada

**Counsel for the Respondent:**  
Nicole Wynn, AS/ALD/OHR, UN Secretariat  
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant, a staff member of the United Nations Assistance Mission for Iraq (“UNAMI”), filed an application on 27 December 2022 challenging the decision to transfer him to the position of Head of the UNAMI Tehran Liaison Office.

2. The Respondent filed a motion on 13 January 2023 seeking dismissal of the application by way of summary judgment and suspension of the 27 January 2023 deadline for the filing of his reply pending determination of the motion.

3. On 24 January 2023, the Duty Judge issued Order No. 015 (NBI/2023 in which the Respondent’s request for suspension of the 27 January 2023 reply deadline was granted pending determination of the motion and the Applicant was directed to submit a response to the Respondent’s motion.

4. The Applicant filed a response to the motion on 31 January 2023.

5. The Tribunal held a case management discussion (“CMD”) on 2 June 2023. At the CMD, the parties agreed to suspend the proceedings in this matter pending the determination by the Respondent of whether he would be appealing Judgment No. UNDT/2023/039 (involving the same Applicant and which was issued by a different Judge) on 29 May 2023.

6. The Tribunal held another CMD on 7 August 2023. On the same date, the Applicant filed a motion to withdraw the application in which he states,

2. As confirmed at the CMD on 7 August 2023, and as proposed at the prior CMD, the Applicant expressed his willingness to discontinue these proceedings in exchange for an assurance from the Respondent that it would not appeal a related matter in which the Tribunal found, in part for the Applicant, but which was an outcome that was satisfactory to the Applicant.

3. In view of the confirmation by the Respondent to the Tribunal that the Secretary-General would not appeal said related matter, and in view of the arrangements undertaken but not yet fulfilled to pay the financial remedy granted to the Applicant, but which is expected to be

fulfilled over the next few days, and in view that the Applicant was returned to his proper function in January 2023, the Applicant wishes to conclude this matter in a manner that restores trust with senior mission leaders, in the best interests of the Mission, its Mandate from the Security Council, and of the United Nations Organization.

4. Accordingly, and most respectfully, the Applicant requests for the Tribunal to allow [ ] his application for withdrawal, and for the matter to conclude here with the agreement of the Respondent

**ORDER**

7. The Tribunal commends the parties for having resolved this dispute without further recourse to litigation.

8. As the Applicant has withdrawn the application, there being no matter remaining for adjudication by the Dispute Tribunal, Case No. UNDT/NBI/2022/125 is hereby closed.

*(Signed)*

Judge Francis Belle

Dated this 8<sup>th</sup> day of August 2023

Entered in the Register on this 8<sup>th</sup> day of August 2023

*(Signed)*

Eric Muli, Officer-in-Charge, Nairobi