
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/008
Order No.: 61 (NY/2018)
Date: 20 March 2018
Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

AKERMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON WITHDRAWAL

Counsel for Applicant:
George Irving

Counsel for Respondent:
Andreas Ruckriege

Introduction

1. On 22 February 2018, the Applicant, a staff member holding a fixed-term appointment and serving at the P-5 level, step 5, as Coordinator of Transparency in the Division for Management Services (DMS) as an Administrative Agent at UNFPA Headquarters in New York, filed an application contesting the decisions of the Human Resources Associate, UNFPA, regarding an extension of fixed term appointment limited to two months, the introduction of incorrect information on the official record and in official communications and abuse of authority in performance evaluation and other acts contributing to a hostile working environment.

2. On 22 February 2018, in accordance with art 8.4 of the Dispute Tribunal's Rules of Procedure, the Registry transmitted the application to the Respondent, instructing him to file his reply by 26 March 2018.

3. On the same day, the case was assigned to the undersigned Judge.

4. On 19 March 2018, the Counsel for the Applicant filed a notice of withdrawal, stating that "Pursuant to the terms and conditions of a recently concluded settlement agreement, the Applicant hereby withdraws all of his claims in the present proceedings before the Dispute Tribunal in finality, including on the merits, and with no right of reinstatement and therefore requests a discontinuance of the proceedings in Case No. UNDTINY/2018/008."

Consideration

5. The Tribunal commends the Applicant for withdrawing the present case. This saves valuable resources and contributes to a harmonious working relationship between the parties.

6. The Tribunal considers that each person has the fundamental human right to free access to justice, which includes the right to file an application in front of an impartial tribunal, and therefore also the right to withdraw that application.

7. An application represents the materialization of an applicant's right to appeal the contested decision. This is the first procedural act by which an applicant invests the Tribunal of dealing with the appeal. The whole procedural activity will take place

principles. The principle of rule of law and the principle of legal certainty, expressed also by *res judicata*, require, *inter alia*, that an irrevocable decision given by the Tribunal not be further questioned (*non bis in idem*) (see *Shanks* 2010-UNAT-026bis; *Costa* 2010-UNAT-063;