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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/036  
Order No.: 098 (NBI/2017)  
Date: 19 May 2017  
Original: English

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**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

CAINE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
MOTION TO WITHDRAW  
APPLICATION**

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**Counsel for the Applicant:**

Mohamed Abdou, OSLA

**Counsel for the Respondent:**

Jonathan Croft, ALS/OHRM

Susan Maddox, ALS/OHRM

## **Introduction**

1. The Applicant is a former investigator, at the P-4 level, with the Office of Internal Oversight Services (OIOS) in Nairobi.
2. On 6 April 2017, he filed an application and a motion for interim measures pending proceedings contesting the decision of the Administration to unilaterally amend Chapter X of the Staff Rules and Regulations covering Disciplinary Measures and then threaten to notify his new employer of an incomplete disciplinary investigation.
3. Together with his application, the Applicant filed a motion for interim measures pursuant to art. 10.2 of the Dispute Tribunal's Statute and art. 14 of its Rules of Procedure, requesting that the contested decision be suspended during the proceedings before the Dispute Tribunal. Referring to arts. 19 and 36.1 of the Dispute Tribunal's Rules of Procedure and the Appeals Tribunal's judgment in Villamorán 2011-UNAT-160, the Applicant also requested the Tribunal to suspend the contested decision during the Tribunal's deliberation of his motion for interim measures.
4. On 10 April 2017, the Registry served the application and motion on the Respondent, instructing him to file a response to the motion on 11 April 2017 and, pursuant to art. 10 of the Dispute Tribunal's Rules of Procedure, to file a reply to the substantive application by 15 May 2017.
5. On 11 April 2017, the Respondent filed his reply to the Applicant's motion for interim measure.
6. On the same date, the parties filed a joint motion requesting that the proceedings in this case be put in abeyance pending informal settlement discussions until 17 May 2017.
7. By Order No. 082 (NBI/2017) dated 13 April 2017, the Tribunal granted the parties' motion and adjourned the proceedings to 17 May 2017 to give the parties time to pursue informal settlement.

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