



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2022-1733, 2022-1735, 2022-1736 & 2022-1737

**Kabila *et al.*, Tshitanzo Mutombo,
Zaituni Asumani & Manga Afazali
(Respondents/Applicants)**

v.

**Secretary-General of the United Nations
(Appellant/Respondent)**

ORDER No. 494 (2022)

1. The United Nations Dispute Tribunal in Nairobi issued the following Orders: Order No. 140 (NBI/2022) *Kabila et al.*, Order No. 137 (NBI/2022) *Mutombo*, Order No. 138 (NBI/2022) *Asumani* and Order No. 142 (NBI/2022) *Afazali* as Orders on an Application for Suspension of Action pending Management Evaluation in each case.
2. On 5 October 2022, the Secretary-General filed an appeal of Order No. 140 (NBI/2022). This appeal was registered as Case No. 2022-1733.
3. On 6 October 2022, the Secretary-General also filed separate appeals of Order Nos. 137, 138 and 142. These appeals were registered as Case Nos. 2022-1735, 2022-1736 and 2022-1737.
4. On 18 November 2022, the Secretary-General filed four motions for withdrawal of his appeals for the four cases mentioned above. Having been given an opportunity to do so, the Office of Staff Legal Assistance (OSLA) has elected not to file any responses to the motions.
5. The Appeals Tribunal has consistently held that “a party may withdraw an appeal simply by giving notice and need not necessarily provide any further justification”.¹

¹ See *Kusuma v. Secretary-General of the United Nations*, Order No. 211 (2015), quoting *Amar v. Secretary-General of the United Nations*, Order No. 73 (2011), and cites therein.

6. Further, in accordance with Article 18bis(2) of the Appeals Tribunal Rules of Procedure: “If, before the opening date of the session during which the case is to be considered, the appellant informs the Appeals Tribunal, in writing, with notice to the respondent, that he or she wishes to discontinue the proceedings, the President may order the case to be removed from the register.”

7. I conclude that it is appropriate that these Motions be treated as consolidated, that the appeals be discontinued, and that they be removed from the Register.

IT IS HEREBY ORDERED that the Motions for withdrawal of the Secretary-General’s appeals are **GRANTED** and the cases shall be closed.

Original and Authoritative Version: English

Decision dated this 1st day of December 2022
in Auckland, New Zealand.

(Signed)
Judge Graeme Colgan,
President

Order published and entered in the Register on this
1st day of December 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar