



**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Jean-Pelé Fomété

ARMAH

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON WITHDRAWAL OF  
APPLICATION**

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**Counsel for Applicant:**

Esther Shamash, OSLA

**Counsel for Respondent:**

Andreas Ruckriegel, UNFPA

Alejo Eiriz, UNFPA

## **Introduction**

1. The Applicant joined the United Nations Population Fund (UNFPA) in August 2005 as a Reproductive Health Coordinator at the P3 level. Between August 2005 and August 2009, she worked as a Reproductive Health Coordinator/RH Programme Specialist, also performing programme specialist functions in support of establishing UNFPA's presence in Southern Sudan. The Applicant's contract was due to expire on 23 August 2009.

2. On 17 September 2009, the Applicant interviewed for the position of Technical Advisor, P5 level at the Sub-Regional Office (SRO)—UNFPA in Johannesburg. She also interviewed for the position of Programme Specialist, P4 level in Juba, Arab States Regional Office (ASRO)—UNFPA on 14 October 2009. She was unsuccessful in both interviews and is therefore contesting the recruitment process for the P4 post.

3. On 23 April 2010, the Applicant contacted the Office of the Ombudsman and Mediation Services so as to resolve the matter informally. On 12 May 2010, she also submitted a formal request for management evaluation of the decision to not select her for the P4 post.

4. On 15 September 2010, the Applicant and UNFPA had agreed to a mediation session which, regrettably, was cancelled on the day. It had transpired that an investigation had been conducted regarding alleged misconduct by the Applicant with regard to breaches of procurement processes allegedly committed in the context of constructing a UNFPA guest house in Juba, Sudan in 2007.

5. On 15 December 2010, the Applicant filed this Application with the United Nations Dispute Tribunal ("the Tribunal") to which the Respondent submitted his Reply on 13 January 2011. On 14 January 2011, the Applicant filed a Motion to strike from the record certain paragraphs in the Respondent's Reply. The Respondent replied to this Motion on 21 January 2011.

6. On 19 August 2011, the Tribunal issued Order No. 089 (NBI/2011) setting the matter down for hearing on 28 September 2011. At the hearing, the Parties were requested to inform the Tribunal by 28 October 2011 whether they wished to proceed with mediation.

7. The Respondent's Counsel, on behalf of the Parties, filed a joint statement, on 27 October 2011, in which they indicated the agreement of both Parties to proceed with mediation and that the Funds and Programmes Ombudsman had agreed to conduct the mediation.

8. On 27 December 2011, the Parties were requested to inform the Tribunal on the arrangements with regard to the mediation efforts so as to set a time frame for completion of the mediation process. This information was to be provided by 3 January 2012.

9. On 3 January 2012, Applicant's Counsel filed a request for extension of time for completion of the mediation process. The Tribunal was further informed on the progress and their confidence that an agreement would soon be reached. On 5 January 2012, the Tribunal issued Order No. 004 (NBI/2011) granting the extension of time until 10 January 2012.

10. On 12 January 2012, the Applicant notified the Tribunal that an agreement had been reached and executed by both Parties and therefore was withdrawing her Application.

### **Consideration**

11. In light of the Applicant's withdrawal of her Application, there is no longer any matter for adjudication by the Dispute Tribunal and therefore the matter of *Armah v the Secretary-General* is hereby closed.

(Signed)

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Judge Nkemdilim Izuako

Dated this 17<sup>th</sup> day of January 2012

Entered in the Register on this 17<sup>th</sup> day of January 2012

(Signed)

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Jean-Pelé Fomété, Registrar, Nairobi