



# **UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2017-UNAT-726

**Nielsen  
(Appellant)**

**v.**

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

## **JUDGMENT**

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Before:	Judge Richard Lussick, Presiding Judge Deborah Thomas-Felix Judge Sabine Knierim
Case Nos.:	2016-964 & 2016-969
Date:	31 March 2017
Registrar:	Weicheng Lin

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Counsel for Ms. Nielsen:	Self-represented
Counsel for Secretary-General:	Zarqaa Chohan

**JUDGE RICHARD LUSSICK, PRESIDING.**

**Procedure**

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal against Judgment No. UNDT/2016/111, rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva on 19 August 2016, in the case of *Nielsen v. Secretary-General of the United Nations*. Ms. Olga Nielsen filed the appeal on 28 August 2016, and the Secretary-General filed an answer on 31 October 2016. This case was assigned Case No. 2016-964.

2. The Appeals Tribunal has also before it another appeal filed by Ms. Nielsen against Judgment No. UNDT/2016/112, rendered by the UNDT in Geneva on 19 August 2016, in the case of *Nielsen v. Secretary-General of the United Nations*. Ms. Nielsen filed the appeal on 17 September 2016, and the Secretary-General filed an answer on 17 November 2016. This case was assigned Case No. 2016-969.

3. On 19 January 2017, Ms. Nielsen filed a “request to withdraw proceedings” in connection with her pending cases including Case Nos. 2016-964 and 2016-969, “[f]ollowing the successful conclusion of mediation discussions and the signing of a settlement agreement”. On 24 January 2017, the Secretary-General stated that he “has no objection to [Ms. Nielsen’s] request to withdraw the proceedings before the UNAT”.

**Considerations**

4. As a preliminary matter, the Appeals Tribunal consolidates the two appeals filed by Ms. Nielsen, pursuant to Article 18*bis* of its Rules of Procedure.

5. On 10 January 2017, the President of the Appeals Tribunal assigned Case Nos. 2016-964 and 2016-969 to a panel of the Appeals Tribunal for consideration and judgment at its spring session, which was to commence on 20 March 2017.

6. Our jurisprudence provides that there is “no reason to require [a party] to pursue an appeal he [or she] no longer deems necessary in the context of his [or her] case”.<sup>1</sup> Accordingly, Ms. Nielsen’s motions to withdraw her appeals are granted and the Registrar should be directed to close Case Nos. 2016-964 and 2016-969.

### **Judgment**

7. The Registrar is directed to close Appeals Tribunal Case Nos. 2016-964 and 2016-969.

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<sup>1</sup> *Baracungana v. Secretary-General of the United Nations*, Order No. 243 (2015), para. 4, citing *Tefera v. Secretary-General of the United Nations*, Order No. 16 (2010).

Original and Authoritative Version: English

Dated this 31<sup>st</sup> day of March 2017 in Nairobi, Kenya.

*(Signed)*

Judge Lussick, Presiding

*(Signed)*

Judge Thomas-Felix

*(Signed)*

Judge Knierim

Entered in the Register on this 26<sup>th</sup> day of May 2017 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar