



Introduction

1. On 16 May 2011, the Applicant filed an application on the merits together with 17 annexes contesting “the decision to re-open the investigation into alleged misconduct whilst he had been charged for the same misconduct, which charges had been withdrawn under the unlawful qualification without prejudice and the decision that during this reopened investigation [he] is not entitled to the assistance of counsel when he will be interviewed as a subject”. The Respondent filed his reply on 16 June 2011, together with two annexes.

2. In response to Order No. 244 (NY/2013) dated 9 October 2013, the parties confirmed that the Applicant had not been interviewed by the Office of Internal Oversight Services in the United Nations Secretariat. The Respondent stated that “the Office of Internal Oversight Services considers the matter closed”.

3. On 26 October 2013, by Order No. 266 (NY/2013), the Tribunal considered that the case could be decided on the papers before it and instructed the Applicant to inform the Tribunal, on or before 29 Oc

requests to withdraw his application [and] ... all of his allegations and claims in the proceedings”.

Consideration

Withdrawal request

7. 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.

8. The 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 within its limits and the application must be filed by the person who has the right to appeal the contested decision (

of a new identical application and guarantees that it is not possible to rule differently in the same matter.

12. *Res judicata* is a reflection of the principl

Conclusion

In the light of the above considerations, the Tribunal DECIDES:

16. The Applicant has withdrawn the matter in finality, including on the merits