

CONSEIL DE L'EUROPE—————

—————**COUNCIL OF EUROPE**

**TRIBUNAL ADMINISTRATIF
ADMINISTRATIVE TRIBUNAL**

**DEPUTY CHAIR'S ORDER of 25 January 2013
in the case of Mimoza MURATI v. Secretary General**

I, Deputy Chair of the Administrative Tribunal,

Having regard to Appeal No. 534/2012 lodged by Ms Mimoza Murati on 31 July 2012;

Having regard to appellant's letter of 7 December 2012 in which she stated that she wished to withdraw her appeal because she had reached a friendly settlement with the Secretary General;

Having regard to letter sent by the representative of the Secretary General of the Council of Europe on 18 January 2012 raising no objections to the appellant's withdrawal of her case or to striking the appeal out of the list of cases;

Having regard to Rule 20 of the Rules of Procedure of the Tribunal;

Having regard to Article 5, paragraph 2, of the Statute of the Administrative Tribunal;

Considering it appropriate to apply the procedure provided for in Rule 20 and Article 5, paragraph 2;

Having submitted a reasoned report to the judges of the Tribunal on 24 January 2013;

Noting that they raised no objection but on the contrary gave their agreement to this order;

DECLARE

- Appeal No. 534/2012 struck off the list of cases on the grounds set out in the report appended hereto.

Done and decided in Strasbourg on 25 January 2013, the present order being notified to the parties to the case.

The Registrar of the
Administrative Tribunal

Sergio SANSOTTA

The Deputy Chair of the
Administrative Tribunal

Giorgio MALINVERNI

**REPORT DRAWN UP FOR THE PURPOSES OF THE PROCEDURE PROVIDED FOR IN
RULE 20 OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL
AND ARTICLE 5, PARAGRAPH 2, OF THE STATUTE OF THE TRIBUNAL**

Appeal No. 534/2012

Mimoza MURATI v. Secretary General

This report concerns Appeal No. 534/2012 lodged by Ms Mimoza Murati. It has been drawn up for the purposes of the procedure provided for in Rule 20, paragraph 2, of the Rules of Procedure of the Administrative Tribunal and Article 5, paragraph 2, of the Statute of the Tribunal.

THE PROCEEDINGS

1. Ms Mimoza Murati lodged her appeal on 31 July 2012. On 13 September 2012, the appeal was registered under no. 534/2012.
2. On 7 December 2012 the appellant informed the Tribunal that she wished to withdraw her appeal as she had reached a friendly settlement with the Secretary General.
3. On 18 January 2013 the Secretary General informed the Tribunal that he had no objection to the appellant withdrawing her appeal or to striking the appeal off the Tribunal's list of cases.
4. On 24 January 2013 the Deputy Chair of the Administrative Tribunal submitted this report to the members of the Tribunal.

THE FACTS

5. The appellant worked for the Council of Europe on a consultant's contract. She was a *programme manager* and was part of a *project team* based in Pristina.
6. On the appeal form, she said that when she had challenged the impugned decision she was working for the Directorate of Democratic Governance, Culture and Diversity.
7. On 31 July 2012 the appellant lodged the present appeal.
8. The Chair of the Tribunal gave the Secretary General until 5 November 2012 to file his submissions. On 31 October 2012 the Secretary General informed the Tribunal that he intended to contact the appellant with the aim of reaching a friendly settlement of the dispute. He asked that the proceedings be suspended.
9. The Chair set a new time-limit which would expire on 7 December 2012 to allow the parties to reach an agreement. The parties subsequently informed him that they had reached a friendly settlement. The appellant consequently expressed the wish to withdraw her appeal and the Secretary General acceded to this request.

THE LAW

10. The appellant lodged her appeal against the decision not to renew her contract as a consultant.

11. In a letter dated 1 November 2011, she informed the Tribunal that she wished to withdraw her appeal as she had reached a friendly settlement with the Secretary General.

12. The Secretary General, for his part, informed the Tribunal that he had no objections to the appellant withdrawing her appeal or to striking the case off the list.

13. The Deputy Chair would point out that, under Rule 20, paragraph 1.a of the Tribunal's Rules of Procedure, an appeal may be struck off the list of cases if the appellant declares that he or she wishes to withdraw it. For his part, the Chair observes that in the present case there is no reason not to strike the appeal off the list. He notes that the appellant appears to be satisfied with the friendly settlement she has reached with the Secretary General, a development which took place after the appeal had been lodged. Admittedly, in her letter informing the Tribunal of her decision to withdraw her appeal, the appellant does not give any details concerning the content of the said friendly settlement and nor does the Secretary General. The Chair cannot therefore verify the content and details of the friendly settlement, but this omission does not prevent the Tribunal from deciding to strike the appeal off its list of cases. Under Rule 20, paragraph 3 of its Rules of Procedure, "The Tribunal may decide to restore an appeal to its list of appeals if it considers that the circumstances justify such a course."

14. Finally, the Deputy Chair observes that the appeal must be struck off the list of cases in accordance with the procedure set out in Rule 20, paragraph 2, of the Tribunal's Rules of Procedure.

CONCLUSION

This report is submitted to the judges of the Tribunal so that they may exercise the supervision provided for in Article 5, paragraph 2, of the Statute of the Tribunal, to which Rule 20, paragraph 2, of the Rules of Procedure refers.

The Deputy Chair

Giorgio MALINVERNI