

Registry's translation, the French text alone being authoritative.

FIFTY-EIGHTH ORDINARY SESSION

In re NAJMAN (No. 3)

Judgment No. 728

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed against the United Nations Educational, Scientific and Cultural Organization (UNESCO) by Mr. Dragoljub Najman on 2 February 1985, UNESCO's reply of 26 March, the complainant's rejoinder of 22 April, UNESCO's surrejoinder of 4 June and communication of 11 June, the complainant's observations dated 22 July and UNESCO's further brief of 3 October 1985;

Considering that by a letter of 12 January 1986 the complainant informed the President of the Tribunal that he wished to withdraw suit;

Considering the observations submitted by UNESCO on 4 February 1986 on the withdrawal of suit;

CONSIDERATIONS:

By a letter of 12 January 1986, which his counsel confirmed on 3 February, the complainant withdrew his complaint. UNESCO, which has been informed of the withdrawal, alleges that the complainant has acted for purely tactical reasons in filing a complaint he described as urgent and then withdrawing it. It asks the Tribunal not to record the withdrawal but to hear the complaint and declare it irreceivable.

When a complainant withdraws suit the Tribunal will not look into his reasons for surrendering his claims.

The present withdrawal is unqualified and in no way prejudices the outcome of other complaints.

Suit was withdrawn after the written proceedings had closed, but before the opening of the session at which the Tribunal was to hear the case, and therefore not too late.

The Tribunal will simply record Mr. Najman's withdrawal of his third complaint.

DECISION:

For the above reasons,

The withdrawal of suit is recorded.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, Mr. Jacques Ducoux, Vice-President, and Mr. Edilbert Razafindralambo, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 17 March 1986.

(Signed)

André Grisel

Jacques Ducoux

E. Razafindralambo

A.B. Gardner

