

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

give to [the Applicant] six months more to find a new position outside of the [United Nations], this fact must be stated clearly, without ambiguity, in the agreement.

On 25 October 2018 at 11:00 AM - 11:30 AM, [the Applicant] held a meeting with [name redacted, Ms. JF], Chief Enterprise Project Management Office (ePMO) [unknown abbreviation] and [name redacted, Ms. YS, Sr. Portfolio Manage UNOPS/UNDG/ECR [unknown abbreviations] and he was informed that, based on budget restriction, his post will be abolished. [The Applicant] requested to

Evaluation Request is not according with minimum requirements [reference to footnote omitted].

Consideration

8. The undersigned Judge is presiding over the present urgent matter although both substantive cases on the merits (Cases No. UNDT/NY/2019/006 and 007) are currently unassigned for consideration by any particular Judge of the Dispute Tribunal in New York.

Interim measures

9. Upon perusing the relief the Applicant seeks in his of 18 March 2019 unclear to the Tribunal whether, in addition to seeking mediation and requesting to file additional evidence and facts, he also seeks the Tribunal to suspend the contested decisions, or either of them, on an interim basis during the pendency of the present substantive proceedings, and/or requests an expedited hearing. However, considering that the Applicant is self-represented and not a native English speaker, and as he presents his submission of 18 March 2019 in the template for a motion for interim measures under art. 10.2, for avoidance of any doubt and for the matter as such, as the Respondent too has done.

Applicable law

10.

Rules of Procedure, provides that,

At any time during the proceedings, the Dispute Tribunal may order an interim measure, which is without appeal, to provide temporary relief to either party, where the contested administrative decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the

implementation of the contested administrative decision, *except in cases of appointment, promotion or termination.*

11. A motion for interim measures is an extraordinary discretionary relief, which is generally not appealable, and which requires consideration by the Tribunal within five working days of the service of the motion on the Respondent pursuant to art. 14.3 of the Rules of Procedure.

12. An interim measures order is a temporary order made with the purpose of providing an applicant temporary relief by maintaining the *status quo* between the contested decision (see *Gizaw* Order No. 151 (NY/2017), para. 31). Furthermore, as interim relief is intended to preserve the *status quo*, it is not meant to make a final determination on the merits or the substantive claims (see, for instance, *Nadeau* Order No. 145 (NY/2018), para. 19).

13. It further follows from art. 10.2 of the Statute that if a contested decision has been fully implemented, the Tribunal generally will no longer have the authority to order the suspension of the contested decision pending the completion of the judicial proceedings. However, in cases where the implementation of the decision is of an ongoing nature (see, e.g., *Calvani* UNDT/2009/092; *Hassanin* Order No. 83 (NY/2011); *Adundo et al.* Order No. 8 (NY/2013)), the Tribunal may grant a request for a suspension of action or possibly another type of interim relief.

14. The Tribunal observes that, in the application in Case No. UNDT/NY/2019/006, the Applicant states informed that he was not selected for the Business Development

Cases No. UNDT/NY/2019/006

UNDT/NY/2019/007

Order No.

