UNITED NATIONS DISPUTE TRIBUNAL (UNDT)

Date:	25 October 2013
Original:	English

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: René M. Vargas M.

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3.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON AN APPLICATION FOR SUSPENSION OF ACTION

Counsel for Applicant:
Self-represented

fo/r "a+d*da!es‹ *+",/d*+g !-e A99,*"a+!‹ s/""essf/,,= ; e! !-e reE/*re ; e+!s for !-e 9os*!*o+ a+d !-a! o+e‹ !-e se,e"!ed "a+d*da!e‹ eH"eeded !-e reE/*re ; e+!s. O+ 14 A/g/s! 2013 !-e C ' (e+dorsed !-e re"o ; ; e+da!*o+s *+ fa3o/r of !-e f*3e "a+d*da!es.

5.   (= ; e ; ora+d/ ; of 20 A/g/s! 2013 addressed !o !-e 8/ ; a+ 'eso/r"es 5 a+age ; e+! &er3*"e (?8 ' 5 &@ !-ro/g- !-e D*re"!or of DC 5‹ !-e 8*r*+g 5 a+ager forDarded !-e +a ; es of !-e f*3e "a+d*da!es a+d 9ro3*ded reaso+s for -*s re"o ; ; e+da!*o+ !o se,e"! 5 r. B. 7..

6.   O+ 2C A/g/s! 2013‹ !-e 8*r*+g 5 a+agerFs re"o ; ; e+da!*o+ Das s/# ; *!!ed !o !-e D*re"!or0Ge+era, of UNOG #= !-e D*re"!or‹ D*3*s*o+ of Ad ; *+*s!ra!*o+.

C.   O+ 2> A/g/s! 2013‹ !-e D*re"!or0Ge+era, se,e"!ed 5 r. B. 7. for !-e 9os*!*o+.

>.   (= e0 ; a*, of 2 &e9!e ; #er 2013 fro ; !-e 8*r*+g 5 a+ager a+d ge+era!ed #= $+s9*ra‹ !-e A99,*"a+! Das *+for ; ed !-a! -er +a ; e Das 9,a"ed o+ a ros!er of 9re0a99ro3ed "a+d*da!es for 9o!e+!*a, "o+s*dera!*o+ for f/!/re U+*!ed Na!*o+s &e"re!ar*a! Io# o9e+*+gs D*!- s* ; *,ar f/+"!*o+s a! !-e sa ; e ,e3e,. O+ !-e sa ; e da=‹ s-e ,ear+ed ?fro ; o!-er so/r"es@ !-e +a ; e of !-e se,e"!ed "a+d*da!e.

9.   (= a ; e ; ora+d/ ; of !-e sa ; e da=‹   2 &e9!e ; #er 2013‹ fro ; a &e+*or 8/ ; a+ 'eso/r"es Off*"er‹ !-e se,e"!ed "a+d*da!e‹ 5 r. B. 7.‹ Das *+for ; ed of -*s se,e"!*o+‹ !o #e effe"!*3e ?1 5 ar"- 2014‹ /9o+ re!*re ; e+! of !-e "/rre+!*+"/ ; #e+! of !-e 9os!@. 8e Das !o,d !-a! 8 ' 5 & Do/,d *ss/e *+ d/e !* ; e a Perso++e, A"!*o+ * ; 9,e ; e+!*+g -*s 9ro ; o!*o+.

10.   O+ 1C O"!o#er 2013‹ !-e A99,*"a+! reE/es!ed ; a+age ; e+! e3a,/a!*o+ of !-e se,e"!*o+ de"*s*o+ for !-e 9os*!*o+ a! s!aAe.

11.   O+ 1> O"!o#er 2013‹ s-e f*,ed #efore !-*s Tr*#/+a, !-e 9rese+! a99,*"a!*o+ for s/s9e+s*o+ of a"!*o+ of !-e "-a,,e+ged de"*s*o+‹ 9e+d*+g ; a+age ; e+! e3a,/a!*o+. T-e a99,*"a!*o+ Das ser3ed o+ !-e 'es9o+de+! o+ !-e sa ; e da=‹ D-o Das *+s!r/"!ed #= !-e Tr*#/+a, !o s/# ; *! -*s re9,= #= 23 O"!o#er 2013. T-e Tr*#/+a, a,so d*re"!ed !-e 'es9o+de+! +o! !o /+der!aAe‹ as fro ; !-e da!e of

ser3*"e‹ a+= f/r!-er s!e9s regard*+g !-e re"r/*! ; e+! aga*+s! !-e 9os*!*o+ /+!*, !-e de!er ; *+a!*o+ of !-e s/s9e+s*o+ of a"!*o+.

12.   O+ 23 O"!o#er 2013‹ !-e ' es9o+de+! f*,ed -*s re9,=. O+ !-e sa ; e da=‹ !-e A99,*"a+! reE/es!ed ,ea3e !o f*,e "o ; ; e+!s o+ *!‹ D-*"- Das ref/sed #= !-e Tr*#/+a, s*+"e !-e 9ro"ess*+g of a reE/es! for s/s9e+s*o+ of a"!*o+ *s s/#Ie"! !o 9ar!*"/,ar,= s-or! !* ; e ,* ; *!s d/e !-e /rge+! +a!/re of s/"- reE/es!s.

Parties" ontentions

13.

e.   &-e *s s/#s!a+!*a,,= eE/a, or s/9er*or !o !-e se,e"!ed "a+d*da!e *+ !er ; s
of E/a,*f*"a!*o+s‹ eH9er*e+"e‹ 9erfor ; a+"e a+d "o+!r*#/!*o+ !o !-e

#.	&e"!*o+ 1.> (d of &T/A$/1999/9‹ D-*"- s!a!es !-a! a Dr*!!e+ a+a,=s*s‹ *+d*"a!*+g -oD !-e E/a,*f*"a!*o+s a+d eH9er*e+"e of !-e re"o ; ; e+ded "a+d*da!e are ",ear,= s/9er*or !o !-ose of !-e fe ; a,e "a+d*da!es D-o Dere +o! re"o ; ; e+ded‹ s-o/,d #e s/# ; *!!ed !o !-e a99o*+! ; e+! a+d 9ro ; o!*o+ #od*es D-e+ a ; a,e "a+d*da!e *s re"o ; ; e+ded‹ *s +o! a99,*"a#,e !o !-e 9rese+! "ase as !-e A99,*"a+! Das re"o ; ; e+ded for !-e 9os*!*o+◊

".	L*!- regard !o se". 1 (a of &T/A$/1999/9‹ s*+"e !-e se,e"!ed "a+d*da!e Das assessed as ?eH"eed*+g !-e reE/*re ; e+!s@ of !-e 9os*!*o+ D-ereas !-e A99,*"a+! Das dee ; ed !o o+,= ?s/""essf/,,= ; ee!@ !-ose reE/*re ; e+!s‹ a+d -e+"e !-e ,a!!erﬁs E/a,*f*"a!*o+s Dere +o! s/#s!a+!*a,,= eE/a, or s/9er*or !o !-ose of !-e se,e"!ed "a+d*da!e‹ !-ere Das +o o#,*ga!*o+ for !-e Orga+*Ja!*o+ !o se,e"! !-e A99,*"a+! +or !o *ss/e a+ add*!*o+a, Dr*!!e+ a+a,=s*s I/s!*f=*+g !-a! de"*s*o+. T-e re"o ; ; e+da!*o+ !o !-e D*re"!or◊Ge+era, Das 9ro9er,= do"/ ; e+!ed a+d reaso+s #ased o+ !-e Pa+e,ﬁs assess ; e+! of !-e "a+d*da!es Dere g*3e+ as !o D-= 5 r. B. 7. s-o/,d #e se,e"!ed o

1>.   T-e Tr*#/+a, D*,, -e+"e 9ro"eed D*!- !-e eHa ; *+a!*o+ of !-e !-ree
"/ ; /,a!*3e "o+d*!*o+s of   /+,aDf/,+ess‹ /rge+"= a+d *rre9ara#,e
da ; age.

19.

22. $+ 3*eD of !-e a#o3e‹ !-e Tr*#/+a, "o+s*ders !-a! *! Das !-e *+!e+!*o+ of !-e 8*r*+g 5 a+ager‹ D-o Das a! !-e !*; e Off*"er0*+0C-arge of !-e $+!er9re!a!*o+ &er3*"e a+d "eased -*s f/+"!*o+s *+ !-*s regard o+ 23 A/g/s! 2013‹ !o orga+*Je !-e se,e"!*o+ 9ro"ed/re D-*,e -e Das s!*,, ser3*+g *+ !-ose f/+"!*o+s *+ order !o *+f,/e+"e !-e f*+a, "-o*"e of !-e s/""essf/, "a+d*da!e.

"o+!es!ed de"*s*o+ #e * ; 9,e ; e+!ed. A s/#seE/e+! ; o+e!ar= "o ; 9e+sa!*o+< *f a+=<
Do/,d +o! "o ; 9e+sa!e a,, -er da ; age *+ !-*s regard.

2>. $+ 3*eD of !-e a#o3e< !-e Tr*#/+a, "o+s*ders !-a! !-e !-ree s!a!/!or=
reE/*re ; e+!s !o gra+! s/s9e+s*o+ of a"!*o+ are f/,f*,,ed *+ !-e *+s!a+! "ase.

Con lusion

29. $+ 3*eD of !-e forego*+g< !-e a99,*"a!*o+ for s/s9e+s*o+ of a"!*o+ *s gra+!ed<