



**Before: Judge Rowan Downing**

**Registry: Geneva**

**Registrar: René M. Vargas M.**

**CASELLI**

**v.**

**SECRETARY-GENERAL  
OF THE UNITED NATIONS**

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**ORDER ON AN APPLICATION FOR  
INTERIM MEASURES AND  
SUSPENSION OF ACTION AND CASE  
MANAGEMENT**

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**Counsel for Applicant:  
François Lorient, Esq.**

**Counsel for Respondent:  
Simon Buettner, UNOG**



post encumbered by the Applicant during its meeting, but had rather requested additional information in this respect.

8. By memorandum dated 1 December 2014, the Director, UNICRI, informed the Applicant of the “decision of the UNICRI Board of Trustees concerning the abolishment of the Library Assistant (GS-7) post, currently encumbered by [her], which [would] entail non extension of [her] contract beyond 31 December 2014”.

9. On 9 December 2014, the Applicant filed a request for management evaluation and for suspension of action of the decision to abolish her post and not to renew her appointment with the Management Evaluation Unit (“MEU”). The MEU responded on 12 December 2014, noting that since her appointment had been extended until 28 February 2014, beyond the deadline for completion of the management evaluation, her request for suspension of action had become moot.

10. On 23 February 2015, the Applicant was sent a letter of appointment and the personnel action pertaining to the extension of her fixed-term appointment (“FTA”) until 31 March 2015, as Library Assistant, UNICRI.

11. On the same day, the Applicant filed a new request for management evaluation, of the personnel action decisions of 19 January and 23 February 2015

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which the Applicant was informed that her FTA was not renewed beyond 31 March 2015. He noted that the Secretary-General had decided to uphold the decision not to renew the Applicant's appointment beyond 31 March 2015.

#### **Parties' contentions**

14. The Applicant's primary contentions may be summarized as follows:

- a. She requests suspension of the discontinuation of librarian services at UNICRI International Documentation Centre, of the abolition of the UNICRI librarian post and of the transfer of duties to a Junior Fellow;

#### **Prima facie unlawfulness**

- b.

e.

- b. The Applicant clearly seeks the suspension of the implementation of

i. The decision to restructure the work of UNICRI was a valid exercise of discretion, and the Tribunal cannot substitute its assessment to that of the Secretary-General;

**Irreparable damage**

**contested and subject to judicial review, which could lead to grant,**



**21. The Appeals Tribunal held in Lee 2014-UNAT-481 that while an Applicant**

25. With this in mind, the Tribunal recalls the scope of its competence to suspend the implementation of an administrative decision beyond the date of completion of management evaluation, under the terms of art. 10.2 of its Statute:

**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.**

26. As such, the Tribunal is not competent to suspend the implementati

and the transfer of its functions to a Junior Fellow, the application for suspension of action and for interim measures has to be rejected.

30. As a result of the above, the Tribunal does not need to examine the cumulative requirements for granting a suspension of action, namely prima facie unlawfulness, urgency and irreparable damage.

#### Conclusion

31. In view of the foregoing, the application for suspension of action is rejected.

(Signed)

Judge Rowan Downing

Dated this 30<sup>th</sup> day of March 2015