
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2015/120

Order No.: "1 #GVA/2015\$

Date: & A' () 2015

Original: E*g)(s+

Before: , - !ge Ro . a* Do . *(*g

Registry: Ge*e/a

Registrar: Re*0 1 . Va gas 1 .

1 ELPIGNANO

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SECRETAR²³GENERAL
O4 T5E UNITED NATIONS

ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION

Counsel for Applicant:

1 a (sa 1 a6)e**a*7 OSLA

Counsel for Respondent:

A)a* G- 8 a*7 ALS/O5R 17 UN Se6 e%a (a%

E)(9a: e%+ Ga))7 ALS/O5R 17 UN Se6 e%a (a%

Introduction

1. The App!"a#\$ f! ed a# app!"a\$o# see%!#g s&spe#s!o#' pe#d!#g
(a#age (e#\$ e)a &a\$o#' of \$he !(p e (e#\$a\$o# of \$he de"!s!o# \$o "o#s!der h! (

=. 4+ e\$er dased = Apr! 2015' she ; a#age (e#\$ >)a &a\$o# U#!\$ (? ; >U@) !#for (ed she App !"a#\$ sha\$ hls re:&e\$ for (a#age (e#\$ e)a &a\$o# 2as dee (ed !rre"e!)a* e.

8. O# = Apr! 2015' she 0espo#de#\$ f! ed hls rep + \$o she prese#\$ app !"a\$o#.

Parties' contentions

6. The App !"a#\$<s pr! (ar+ "o#e#o#s (a+ *e s& ((ar!Aed as fo o2sb

Prima facie unlawfulness

a. Ch! e UN34 see (s \$o ho d sha\$ she)a"a#" + a##o&#"e (e#\$ a\$!ss&e ref e"\$s she \$! (e !# grade re:&!re (e#s of fo&r +ears for a G,5 "a#d!da\$e \$o app + \$o a G,6 pos!\$!o# as ar!"& a\$ed !# she G&!de !#es o# P a"e (e#\$ a#d Pro (o\$!o# of 3o"a + 0e"r&!\$ed Ge#era 1er)!"e 1\$aff ; e (*ers' dased 8 A&g&s\$ 1666 (?G&!de !#es@)' !\$!s &#" ear ho2 \$hese G&!de !#es app + \$o UN34. UN34/G1C !s #o\$ a (!ss!o#' *&\$ a h+*r!d opera\$!o# (as e7press + s\$a\$ed e.g.' !# she 9re:&e#\$ + As%ed D&es!o#s for >7e"&\$!)e Off!"es/3o"a Perso##e Off!"es regard!#g Co#s!#&!#g Appo!#\$ (e#s). As s&"h' she app !"a\$o# of 1T/AE/2010/- \$o re"r&!\$ (e#s of UN34 s\$aff !s #o\$ e7" &ded *+)!r\$&e of se". -.2(h) of she !#s\$r&"\$!o#F

*. 1e". 6 of Ad (!#!s\$ra\$!)e E#s\$r&"\$!o# 1T/AE/2010/- (1\$aff 1e e"\$!o# 1+s\$e () does #o\$ re:&!re sha\$ Ge#era 1er)!"e s\$aff (&s\$ ser)e a spe"!f!" #& (*er of +ears as a par\$!"& ar e)e \$o *e e !g!* e \$o app + for she #e7\$ e)e . A#+ !#serpre\$a\$!o# of she G&!de !#es !#"o#s!\$e#\$ 2!\$h se". 6 sho& d *e)o!d' p&rs&a#\$ \$o se". 2.6 of she sa (e !#s\$r&"\$!o#F

". The Ad (!#!s\$ra\$!o#<s re !a#"e o# she G&!de !#es' 2h!"h do #o\$ r!se \$o she e)e of she 1\$aff 0& es or e)e# ad (!#!s\$ra\$!)e !#s\$r&"\$!o#s' "a##o\$ *e she *as!s of she add!\$!o#a a#d #e2 re:&!re (e#\$ sha\$ e7per!e#"e (&s\$ *e gal#ed for f!)e +ears as o#e e)e *efore *e!#g a* e \$o app + \$o she #e7\$ h!gher e)e . 4ased o# Johnson 2012,UNAT,2.0' #o\$ o# + (&s\$!#fer!or !ss&a#"es #o\$ s&persede s&per!or o#es' *&\$ she+ (&s\$ #o\$ add s&*s\$a#s!)e re:&!re (e#s' &# ess e7press + per (!\$sed \$o do soF

d. The ... of ... head: &ar\$ersF

e. The app ... para. 5.51.6 of ...

f. UN34 has ...

Urgency

g. A ...

s&spe#d she !(p e (e#s\$!o# of she !(p&g#ed de"!s!o# &#der ar\$. 2.2 of !s 1s\$a&#e.

Consideration

11. Ar\$. 2.2 of she Tr!*&#a <s 1s\$a&#e a#d ar\$. 1-.1 of !s 0& es of Pro"ed&re "a\$er for she Tr!*&#a <s 5&r!sd!"\$!o# \$o s&spe#d she !(p e (e#s\$!o# of a# ad (!#!s\$ra\$!)e de"!s!o# pro)lded "er\$a!# "o#d!\$!o#s are (e\$. E# do!#g so' *o\$h pro)!s!o#s (a%e " ear \$ha\$ she Tr!*&#a (a+ s&spe#d a"\$!o# ?d&r!#g she pe#de#" + of she (a#age (e#s e)a &a\$!o#@.

12. E\$!s \$h&s e)!de#\$ \$ha\$ she Tr!*&#a <s po2er !# \$h!s respe"\$!s !(!sed \$o s&"h \$!(e !# 2h!"h she (a#age (e#s e)a &a\$!o# of she de"!s!o# !# :&es\$!o# !s f!#a !sed. Co#s!s#e#\$ +' she Appea s Tr!*&#a has he d \$ha\$ a#+ 5&r!sd!"\$!o#a de"!s!o# order!#g she s&spe#s!o# of a "o#ses\$ed ad (!#!s\$ra\$!)e de"!s!o# for a period *e+o#d "o (p e\$!o# of (a#age (e#s e)a &a\$!o# e7"eeds she Tr!*&#a <s 5&r!sd!"\$!o# (Onana 2010,UNAT,008' Igbinedion 2011,UNAT,156).

1-. E# she prese#\$ "ase' she Tr!*&#a !s sa\$!sf!ed \$ha\$ she (a#age (e#s e)a &a\$!o# of she de\$er (!#a\$!o# \$ha\$ she App !"a#\$ 2as !#e !g!* e for she poss ad)er\$!sed &#der Va"a#" + A##o&#"e (e#s VA,1-,1. (0.6) 2as "o (p e\$ed as of = Apr! 2015' as !s has *ee# pro)lded 2!\$h a "op+ of \$h!s (a#age (e#s e)a &a\$!o#.

1.. A""ord!#g +' she Tr!*&#a f!#ds \$ha\$!s #o o#ger has 5&r!sd!"\$!o# \$o r& e o# she prese#\$ app !"a\$!o# for s&spe#s!o# of a"\$!o#.

15. The a*o)e !s 2!\$ho&\$ pre5&d!"e \$o she poss!*! !s+ ope# \$o she App !"a#\$ \$o !#s\$!\$e pro"eed!#gs \$o "o#ses\$ she de"!s!o# a\$!ss&e o# she (er!s\$ s!#"e she !#!\$!a s\$ep of re:&es\$!#g (a#age (e#s e)a &a\$!o# has *ee# d& + effe"\$sed a#d she Ad (!#!s\$ra\$!o# has pro#o&#"ed !\$se f \$here&po#.

Conclusion

16. E#)!e2 of she forego!#g' she app !"a\$!o# for s&spe#s!o# of a"\$!o# !s re\$e"\$sed.

Case No. UNDT/GVA/2015/120

Order No. 81 (GVA/2015)

(Signed)

8&dge 0o2a# Do2#!#g

Da\$ed \$h!s 6^{sh}