



### **The Application and Procedural History**

1. The Applicant is the Director of the Statistics Division at the United Nations Economic and Social Commission for Western Asia (ESCWA). He holds a permanent appointment and serves at the D1 level in Beirut, Lebanon.

2. On 28 April 2014, the Tribunal received an Application for Suspension of

7. The Applicant submits that the urgency requirement of the test is met because the selection decision is likely to be implemented as early as 1 May 2014, particularly

of the Statute, i.e. *prima facie* unlawfulness, urgency and irreparable damage, must be satisfied for an application for suspension of action to be granted. Under art. 13.3 of the UNDT Rules, the Tribunal has five working days from the service of an application on the respondent to consider an application for *interim* measures.

14. A suspension of action order is, in substance and effect, akin to an *interim* order of injunction in national jurisdictions. It is a temporary order made with the purpose of providing an applicant temporary relief by maintaining the

member who has not been selected is powerless under article 2.2. His only remedy is to seek reparation by way of a substantive case.

19. The Tribunal cannot therefore grant the injunctive relief that is being sought.
20. The Application for Suspension of Action is **DISMISSED**.

*(signed)*

Judge Vinod Boolell

Dated this 2<sup>nd</sup> day of May 2014

Entered in the Register on this 2<sup>nd</sup> day of May 2014

*(signed)*

Abena Kwakye-Berko, Registrar, Nairobi