		Case No.:	UNDT/NBI/2015/013
UNITED NATIONS DISPUTE TRIBUNAL		Order No.:	015 (NBI/2015)
		Date:	20 January 2015
		Original:	English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ISHAQ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION**

Counsel for the Applicant:
Self represented

Counsel for the Respondent:
Steven Dietrich, ALS/OHRM
Alister Cumming, ALS/OHRM

Considerations

9.   Applications for suspension of action are governed by arts. 2.2 and 10.2 of the Statute of the Dispute Tribunal and arts. 13 and 14 of the Tribunal's Rules of Procedure.

10.   Article 2.2 governs applications for suspension of actions pending management evaluation whereas art. 10.2 governs, inter alia, suspensions of action at any time during the proceedings.

11.   The three statutory prerequisites contained in the Statute for the grant of the interim relief of suspension of action, that is, prima facie unlawfulness, urgency and irreparable damage, must be satisfied for an application for suspension of action to be granted where the contested decision is the subject of a management evaluation.

12.   The three statutory prerequisites contained in art. 2.2 of the Statute, that is, prima facie unlawfulness, urgency and irreparable damage, must be satisfied for an application for suspension of action to be granted where the contested decision is the subject of a management evaluation.

13.   The wording of art. 2.2 makes it clear that the Tribunal has no authority to order suspension of action on a decision once the management evaluation has been completed.

14.   The Appeals Tribunal in Tadonki 2010-UNAT-005[1], Onana 2010-UNAT-008[2] and Kasmani 2010-UNAT-011[3] found that the Dispute Tribunal had exceeded the limits of the jurisdiction conferred on it by article 2.2 of its Statute when it ordered the suspension of the execution of the contested decision beyond the date on which the management evaluation was completed.

15.   The suspension of the execution or implementation of an administrative decision constitutes an exception that cannot be extended beyond

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[1] At para. 10.
[2] At para. 19.
[3] At para. 11.