



President: Judge Vinod Boolell  
President: Nairobi  
President: Abena Kwakye-Berko

CHAMA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**IN ORDER ON AN  
FOR SUSPENSION OF  
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## **Introduction**

1. The Applicant is a staff member of the United Nations Interim Force in Lebanon (UNIFIL).

2. On 27 October 2015, he filed an Application for suspension of action pending management evaluation with the United Nations Dispute Tribunal (UNDT) in Nairobi challenging the decision to move him from the Joint Geographic Information System (JGIS) section to the Public Information Section on a three month Temporary Job Opening (TJO) contract.

3. The Respondent filed a Reply to the Application on 28 October 2015.

4. The Tribunal held an oral hearing on 29 October 2015. During the hearing, the Respondent was ordered to file staffing tables for the JGIS section.

## **Relevant facts**

5. On 19 January 2015, the Report of the Secretary-General 12 F1 1344T /F rg 0.9981 0 0 1 378 3

7. On 23 May 2015, the Applicant requested management evaluation of this decision. On 27 May 2015, the Management Evaluation Unit (MEU) informed the Applicant that his challenge was not receivable.

8. On 25 June 2015, the General Assembly adopted resolution A/RES/69/302 (Financing of the United Nations Interim Force in Lebanon). Paragraph 10 of the resolution endorsed the conclusions and recommendations contained in the Report of the Advisory Committee on Administrative and Budgetary Questions A/69/839/Add. 8 (Budget performance for the period from 1 July 2013 to 30 June 2014 and proposed budget for the period from 1 July 2015 to 30 June 2016 of the United Nations Interim Force in Lebanon) of 29 April 2015. This Report also proposed to convert one FS

hearing, UNIFIL Administration has clarified that this staff member is performing the functions of a Geographic Information Systems Assistant, at the FS-5 level.

3. In order to prevent the Dispute Tribunal from being misled about the functions performed by this staff member, the Respondent seeks leave to file these further submissions.

12. On 30 October 2015, the Applicant filed an Organization chart for UNIFIL GIS. In that chart, one Simon Burgess, described in the Respondent's Motion as performing the functions of a GIS Assistant at the FS5 level, is shown to be a British national from his identity information.

### **Deliberations and Order**

13. In the light of the latest submissions by the Parties and, pursuant to arts. 19 and 36 of the Dispute Tribunal's Rules of Procedure, the Tribunal has decided to issue this interim order to maintain the status quo pending an oral hearing on Monday, 2 November 2015. In this respect the Tribunal recalls *Villamorán* 2011-UNAT-160 where the Appeals Tribunal held,

[w]here the implementation of an administrative decision is imminent, through no fault or delay on the part of the staff member, and takes place before the five days provided for under Article 13 of the Rules of Procedure of the UNDT (UNDT Rules) have elapsed, and where the UNDT is not in a position to take a decision under Article 2(2) of the UNDT Statute, i.e. because it requires further informatr2(2) orms

15. The Tribunal shall hold a further hearing on 2 November 2015 at 2.00 p.m. Nairobi time in the UNDT Courtroom.

16. Counsel for the Respondent shall ensure the attendance of the Chief JGIS, Ms. Béatrice Puyo and Mr. Simon Burgess to give evidence at the hearing.

*(Signed)*

Judge Vinod Boolell

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

Entered in the Register on this 30<sup>th</sup> day of October 2015

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi