
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/124

Order No.: 212 (NBI/2017)

Date: 11 December 2017

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

TEFULA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Daniel Trup, OSLA

Counsel for the Respondent:
Camila Nkwenti, UNEP

Introduction

1. The Applicant is a staff member at the United Nations Environment Programme (UNEP). He serves as Chief of Finance at the D1 level.

The Application and Procedural History

2. On 4 December 2017, the Registry received an application for suspension of action pursuant to Rule 13 of the Rules of Procedure

Deliberations

7. Applications for suspension of action are governed by art. 2 of the Statute and art. 13 of the Rules of Procedure of the Tribunal. Art. 13 provides as follows:

1. The Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears **prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.**

2. [...]

3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent.

4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

8. In making his case, the Applicant is required to satisfy the Court that the impugned decision is *prima facie* unlawful, is urgent and will cause him/her irreparable harm if implemented. *All* three elements of the test must be satisfied before the impugned decision can be stayed.

9. The Tribunal is not required at this stage to resolve any complex issues of disputed fact or law. All that is required is for a *prima facie* case to be made out by the Applicant to show that there is a triable issue before the court.¹

10. In this case, the Applicant has already sought a review of the impugned

