
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/017
Order No.: 021 (NBI/2022)
Date: 18 February 2022
Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

TURK

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Fatuma Mninde-Silungwe, AAS/ALD/OHR, UN Secretariat

Introduction

1. On 11 February 2022, the Applicant, a former P-4 Political Affairs Officer, with the United Nations Assistance Mission for Iraq (“UNAMI”), filed an application for suspension of action with the United Nations Dispute Tribunal (“UNDT”) to challenge the Respondent’s decision to separate him from service of the Organization.

2. The Respondent replied to the application on 16 February 2022, and
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renewal of his FTA.⁴

7. On 7 December 2021, the Applicant filed a management evaluation request contesting the decision of UNAMI not to extend his FTA beyond 31 December 2021. On 28 December 2021, the Management Evaluation Unit (“MEU”) provided the Applicant with the outcome of the management review upholding the contested decision.⁵

8. On 7 January 2022, the Applicant filed a management evaluation request contesting the non-renewal of his FTA and submitted additional information on 17 and 27 January 2022, respectively. The management evaluation request was deemed not receivable as the MEU could not conduct a *de novo* review.⁶

9. On 3 February 2022, the Applicant filed another management evaluation request challenging the reclassification of the P-4 level position that he encumbered at UNAMI.⁷

10. The Applicant received the response to his management evaluation request on 14 February 2022.⁸

Submissions

Receivability

The Respondent’s submissions

11. The Respondent submits that in accordance with arts. 2.2 of the Dispute Tribunal’s Statute and 13.1 of the Rules of Procedure, the Dispute Tribunal is competent to hear and pass judgement on an application to suspend, during the

⁴ Ibid., para. VII(4).

⁵ Reply, annex 1, page 1.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

pendency of management evaluation, the implementation of a contested administrative decision that is subject to on-going management evaluation.

3ldecision that is subject to on

February 2022.

ORDER

17. In view of the foregoing, the application for suspension of action is rejected

(Signed)

Judge Rachel Sophie Sikwese

Dated this 18th day of February 2022

Entered in the Register on this 18th day of February 2022

(Signed)

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi