



1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by the Secretary-General of the United Nations against Order No. 118 (NY/2013), rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York on 29 April 2013 in the case of *El-Komy v. Secretary-General of the United Nations*.

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14. Finally, Mr. El-Komy asks the Appeals Tribunal to reject the Secretary-General's plea for expedited review.

Considerations

15. Article 2 of the UNDT Statute, laying out the general structure and jurisdiction of the UNDT, grants the power to suspend the implementation of an administrative decision during the pendency of management evaluation.

16. Article 10(2) of the Statute of the UNDT provides that the UNDT may adopt interim measures at any time of the proceedings, that is to say, once judicial proceedings have been initiated. Among those measures, it provides for the suspension of the implementation of administrative decisions but prohibits the adoption of such suspension *in cases of appointment, promotion, or termination*. These cases are also subject to special treatment under Article 10(5)(a) of the UNDT Statute, which provides that such suspension shall not apply to cases involving management evaluation.

Original and Authoritative Version: English

Dated this 31st day of July 2013.

(Signed)

Judge Weinberg de Roca,
Presiding
Buenos Aires, Argentina

(Signed)

Judge Simón
Montevideo, Uruguay

(Signed)

Judge Lussick
London, UK

Entered in the Register on this 31st day of July 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar