

the reports of the interview panel were “insufficient to explain the rejection of all the applicants”. Consequently, it requested the interview panel to reconsider its reports of 8 June 2010.

7. In its revised reports transmitted to the Head of Recruitment and Training

14.

b. The case is of particular urgency because the post to which she applied was re-advertised on 13 October 2010 and this second selection process is about to be completed;

c. Irreparable damage will be caused because:

i. Her non-selection to the post will impair her future career prospects at ICTY. If the five posts advertised through job opening No. 046 are filled, there will be no post available

e. There is no urgency as the decision has now been implemented. In any event, the Applicant failed to diligently submit her request for suspension of action as her application was filed more than three months after she was notified of the decision;

f. The Applicant has not demonstrated that she would suffer irreparable harm. The only compensation she may rec

25. Article 2.2 of the Tribunal's Statute states as follows:

The Dispute Tribunal shall be competent to hear and pass judgement 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...

26. It follows from this provision that a request for suspension of action may be granted where the contested decision has not yet been implemented. As has been previously held by this Tribunal, the latter "may only order suspension of action if the implementation of the contested decision is still possible and at stake" (Order No. 4 (GVA/2010)). In the present case, irrespective of whether the Applicant sought suspension of the decision not to select her in relation to job opening No. 012 or in relation to job opening No. 046, the decision in question has already been implemented and its suspension can no longer be ordered.

27. Without it being necessary to examine whether the three statutory prerequisites specified in article 2.2 of the Tribunal's Statute and article 13.1 of its Rules of Procedure are met, the Tribunal dismisses the application for suspension of action, notwithstanding the possibility for the Applicant to file an application on the merits before the Dispute Tribunal at a later stage.

Decision

28. The application is hereby rejected.

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Judge Thomas Laker

Dated this 25th day of January 2011

Entered in the Register on this 25th day of January 2011

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Víctor Rodríguez, Registrar, Geneva