



UNITED NATIONS DISPUTE TRIBUNAL

Case No. ND /G A/ /
Order No. G A/ /
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Before: **Judge Rowan Downing**

Registry: **Geneva**

Registrar: **René M. Vargas M.**

EL BADAOUI NEHME

v.

**SECRETARY-GENERAL
OF THE UNITED NATIONS**

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

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Jérôme Blanchard, UNOG

Introduction

1. The Applicant seeks suspension of the implementation, pending management evaluation, of her non-selection against a post of Interpreter (Arabic) advertised under Job Opening (“JO”)16-LAN-UNOG-71252-R-GENEVA (L).

Facts

2. The Applicant serves as an Arabic Interpreter (P-3) with the Department of Division of Conference Management (“DCM”), United Nations Office at Geneva (“UNOG”) under a continuing appointment.

3. On 13 December 2016, two positions of Arabic Interpreter at the P-4 level within DCM, UNOG, were advertised through the above-referenced JO. The closing date indicated on the JO was 10 February 2017.

4. Before the end of the posting period, the Hiring Manager reviewed the rostered candidates and recommended two of them for the posts. These two candidates were selected by the Director-General, UNOG, on 21 January 2017. On 23 January 2017, the two selected candidates were informed of their selection through Inspira.

5. The Applicant became aware of the outcome of the selection process on 23 January 2017 by looking at Inspira. She discussed it with the Head of the Interpretation Service, UNOG, on the same day.

6. The Applicant, who states that she was planning to apply for the positions but did not do so before the recruitment of the two rostered candidates, requested management evaluation of the selection decision at issue on 28 February 2017.

7. On the same day, the Applicant emailed the Geneva Registry of the Tribunal attaching her application for suspension of action due to technical problems with the Tribunal’s eFiling system that prevented her from submitting it.

8. By email of 2 March 2017, the Tribunal transmitted the application for suspension of action to the Respondent, who filed his reply on 6 March 2017.

9. On the same day, following resolution of the technical problems with the Tribunal's eFiling system, the Applicant submitted her application for suspension of action.

experience than any of the candidates selected since 2014. She has sustained moral injury, which resulted in severe back pain and other health problems. Furthermore, the Applicant has been denied missions for nearly one year.

11. The Respondent's primary contentions may be summarized as follows:

Receivability

a. The contested decision has already been implemented. The selected candidates were informed of their selection on 23 January 2017, and according to sec. 10.2 of Administrative Instruction ST/AI/2010/3 (Staff Selection System), the promotion became effective on 1 February 2017;

Prima facie unlawfulness

b. The decision is not prima facie unlawful. The legal framework applicable to selection exercises allows the Hiring Managers to immediately recommend the selection of rostered candidates at any stage of the process after publication of the JO. In addition, the Applicant's claims of intimidation, abuse of authority, and of violation of the special measure for gender parity are unsubstantiated;

Urgency

c. The urgency in thFSIm,c,)((b)"Fylm,c,""k.,.2.2m25c)".Egl(c)",kFylm,c,"cpblei

13.

Conclusion

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

(Signed)

Judge Rowan Downing

Dated this 8th day of March 2017

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