	Case No:	UNDT/NBI/2022/006
UNITED NATIONS DISPUTE TRIBUNAL	Order No:	030 (NBI/2022)
	Date:	18 February 2022
	Original:	English

Judge Rachel Sophie Sikwese

Nairobi

Abena Kwakye Berko

TURK

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

Self-represented

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

1.   On 7 January 2022, the Applicant, a former Political Affairs Officer, P-4, working with the United Nations Assistance Mission for Iraq ("UNAMI"), filed an application with the United Nations Dispute Tribunal ("UNDT") contesting the decision to not renew his fixed term appointment beyond its expiration date of 31 December 2021.

2.   The Respondent filed a reply to the application on 9 February 2022.

3.   On 10 February 2022, the Applicant filed a motion for interim measures to be reinstated in the United Nations, to be paid basic salary in full, to be placed on administrative leave until the Tribunal renders its judgment, and to recalculate his period of service for pension purposes. The Respondent filed a response to the Applicant's motion on 16 February 2022.

Receivability

The Respondent's submissions

4.   The Respondent submits that the UNDT lacks jurisdiction to grant relief in cases of appointment, promotion or termination. Under art. 10.2 of the UNDT Statute and art. 14.1 of the UNDT's Rules of Procedure, the UNDT "may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination". The Respondent underscores that a case contesting the non-renewal of a staff member's appointment is a case of appointment that falls under this exception.

5.   The Respondent further argues that the Tribunal lacks jurisdiction to suspend the implementation of a contested decision where the decision has been implemented. The Applicant's contract expired on 31 December 2021, and he was subsequently

separated from service. The Tribunal lacks the power to restore a situation or reverse a contested decision that has already been implemented