
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/072

Order No.: 148 (NBI/2023)

Date: 26 September 2023

Original: English

Before: Judge Solomon Areda Waktolla

Registry: Nairobi

Registrar: Eric Muli, Officer-in-Charge

HASAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Hilda Ojiambo, Office of Staff Legal Assistance

Counsel for the Respondent:

Yun Hwa Ko, UNFPA

Background

1. The Applicant is a Programme Analyst at the National Officer NOA level in the United Nations Population Fund UNFPA - term appointment and is based in Damascus.
2. On 19 September 2023, the Applicant filed an a Respondent Islamabad, Pakistan at the P-3 level Job ID 11663 because she did not meet the educational requirements.
3. The Respondent replied to the application on 20 September 2023.

Facts and Submissions

4. On 27 June 2023, the Organization advertised a temporary job opening (TJO) for Job ID 11663. The Applicant applied.
5. She was interviewed on 13 July 2023 for which she was the successful candidate and -employment checks.
6. On 18 August 2023, the Applicant was informed that the Administration required the institution from which the Applicant her academic qualification. The institution provided the documentation to the Administration and the Applicant later received indication from the Administration that the verification process had been finalized.
7. On 6 September 2023, the Applicant was informed that the verification process had in was not officially recognized. Her candidature for the position could not therefore proceed any further.

15. The Respondent submits that nothing in the impugned decision was arbitrary or motivated by extraneous factors so as to render it *prima facie* unlawful. The Applicant has also not satisfied the limbs of urgency and irreparable harm.

Considerations

16. Applications for suspension of action of pending management evaluations are governed by art. 2 of the Statute of the Tribunal and art.

17. Article 2.2 of the UNDT statute reads:

18. Article 13.1 of the UNDT rules of procedure reads:

19. The three statutory prerequisites contained in art. 2.2 of the Statute and art 13.1 of the rules of procedure are *prima facie* unlawfulness, urgency and irreparable damage prerequisites.¹ These conditions must be satisfied for an order for suspension of action to be granted by the Dispute Tribunal. To suspend the implementation of the decision in question, the Tribunal must find that all three of these requirements have been met.

that she fulfilled all the course requirements, including 1500 hours of study and a final thesis. The Respondent

