



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2014/026

Order No.: 80 (NY/2014)

Date: 17 April 2014

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

KISAMBIRA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON MOTION FOR INTERIM
MEASURES UNDER ART. 10.2 OF
THE STATUTE**

Introduction

1. On 7 April 2014, the Applicant, a P-3 Population Affairs Officer, Population Division, Department of Economic and Social Affairs, filed an application on the merits contesting the decision of 24 December 2013 by the Under-Secretary-

“a salutary reminder to staff and their legal representatives that, in an appropriate case, conduct of this kind will incur the risk of an order for costs”. In this particular case, the pleadings have not even addressed the essential averments necessary to sustain this application yet the need to address this urgent request for an interim motion, which was placed before me as the only Judge currently at the duty station, has unnecessarily disrupted my attendance on other pressing matters. The Respondent has not prayed for costs in this case and the Tribunal would not ordinarily make such an order without hearing from the parties, which would only incur further costs. Furthermore, there is lack of clarity whether these cases are funded by the individual applicants concerned or from the common fund of membership subscriptions. Whilst no order for costs is made, nevertheless, the Tribunal reiterates the salutary warning.

18. In view of the above findings that the granting of the requested relief would result in a final ruling rather than one temporary in nature, and that the Applicant has failed to satisfy the criteria for interim measures, the Tribunal finds that the present motion stands to be rejected.

Order

19. The request for an interim measure is rejected.

(Signed)

Judge Ebrahim-Carstens

Dated this 17th day of April 2014