



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2016/042
Order No.: 214 (NY/2016)
Date: 9 September 2016
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Hafida Lahiouel

NOUINOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON AN APPLICATION FOR
SUSPENSION OF ACTION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
ALS/OHRM, UN Secretariat

- b. The decision is part of a policy to eliminate any Investigations Division staff considered disloyal to the former director of the Division;
- c. No work-related reason has been given for the non-renewal decision. Although the Applicant was informed verbally that she would receive a letter regarding the non-renewal decision and the reasons for the decision, no such letter has been provided;
- d. The Applicant has no negative performance appraisals or misconduct investigations pending;

Urgency

- e. Under the heading "Major urgency," the Applicant submits that the matter is urgent for the following reasons: "applying justice," "defending

- i. The decision would cause irreparable harm to the Organization.

Consideration

10. Article 2.2 of the Statute of the Dispute Tribunal provides:

2. 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 that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

11. Article 13 of the Rules of Procedure of the Dispute Tribunal provide:

Article 13 Suspension of action during a management evaluation

1. The Dispute Tribunal shall order a suspension of action 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 that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.

2. The Registrar shall transmit the application to the respondent.

3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent.

4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

12. Staff rules 11.2(a) and (d) state:

Rule 11.2

Management evaluation

- (a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment, including all pertinent

regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.

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(d) The Secretary-General's response, reflecting the outcome of the management evaluation, shall be communicated in writing to the staff member within 30 calendar days of receipt of the request for management evaluation if the staff member is stationed in New York, and within 45 calendar days of receipt of the request for management evaluation if the staff member is stationed outside of New York. The deadline may be extended by the Secretary-General pending efforts for informal resolution by the Office of the Ombudsman, under conditions specified by the Secretary-General.

13. The Applicant states in her application that she submitted a request for management evaluation on 7 September 2016, although it is not clear from the application and annexes which document she is referring to. In accordance with staff rule 11.2(d), the Secretary-General's response to a request for management evaluation shall be communicated to a staff member within 30 calendar days of receipt of the request if, as is the case here, the staff member is stationed in New York. Provided the Applicant indeed submitted a request for management evaluation on 7 September 2016, the Secretary-General is required to provide a response by 7

Either the Applicant would have received a response from management or the 30-day response period would have expired. T