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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/028  
Order No.: 116 (NY/2018)  
Date: 1 June 2018  
Original: English

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**Before:** Judge Ebrahim-Carstens  
**Registry:** New York  
**Registrar:** Morten Albert Michelsen, Officer-in-Charge

CARMIGNANI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER OF SUSPENSION PENDING  
THE CONSIDERATION OF AN  
APPLICATION FOR SUSPENSION OF  
ACTION UNDER ART. 2.2 OF THE  
DISPUTE TRIBUNAL'S STATUTE**

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**Counsel for Applicant:**

Daniel i nBT/F2 12 Tf1 0 0 1 2QT83m 254.4

## Introduction

1. On Friday, 1 June 2017, at 3:37 p.m., the Applicant, a staff member at the D-2 level with a permanent appointment working with the United Nations Integrated Peacebuilding Office in Guinea-Bissau, but currently temporarily assigned to United Nations Headquarters, filed an application under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure seeking to suspend the decision, pending management evaluation, to "separate him from service with less than three days' notice".

2. Together with his application, referring to arts. 19 and 36.1 of the Dispute Tribunal's Rules of Procedure and the Appeals Tribunal's judgment in *Villamorán* UNAT/2011/160, the Applicant also filed a motion requesting that the contested decision be suspended pending the Tribunal's consideration of the suspension of action proceedings, submitting that he will otherwise be separated on Monday 4 June 2018.

## Consideration

3. Applications for suspension of action pending management evaluation are governed by art. 2.2 of the Dispute Tribunal's Statute and art. 13 of the Rules of Procedure. The three statutory requisites of *prima facie* unlawfulness, urgency and irreparable harm must



