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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/050

Order No.: 1 (NY/2021)

Date: 4 January 2021

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

DETTORI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON MOTION FOR INTERIM  
MEASURES**

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**Counsel for Applicant:**

Omar Yousef Shehabi, OSLA

**Counsel for Respondent:**

Alister Cumming, UNICEF

Matthias Schuster, UNICEF

## **Introduction**

1. On 31 December 2020, the Applicant, a staff member of the United Nations Children’s Fund (“UNICEF”), filed an application contesting the decisions to “reassign Applicant through UNICEF’s staff mobility and rotation policy while Applicant was constructively unassigned, was on medical leave, and had a pending request for deferment of rotation on medical grounds” and “to separate the Applicant for abandonment of post for declining the assignment”.

2. Later on the same date, 31 December 2020, the Applicant filed a motion for interim measures seeking suspension of the decision to separate her from the Organization for abandonment of post.

3. Given that the motion for interim relief was filed at 4.30 p.m. on 31 December 2020 and that the decision to separate the Applicant was to be implemented on that same day, by email from the New York Registry, the Duty Judge ordered the suspension of the separation decision until the Tribunal would have time to review the matter.

4. On 4 January 2021, the Respondent opposed the motion for interim measures stating, among other arguments, that the Tribunal lacks jurisdiction to



12. In light thereof,

IT IS ORDERED THAT:

13. The motion is rejected.

*(Signed)*

Judge Joelle Adda

Dated this 4<sup>th</sup> day of January 2021