



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/072

Order No.: 226 (NBI/2015)

Date: 29 June 2015

Original: English

Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

LEE SIN CHEONG

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

DIRECTIONS ORDER ON AN
APPLICATION FOR SUSPENSION OF
ACTION

Counsel for the Applicant:
Jiries Saadeh, OSLA

Counsel for the Respondent:
Steven Dietrich, ALS/OHRM

The Application and Procedural History

1. The Applicant is a Receiving and Inspection Assistant at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). He serves on a continuing appointment at the FS-4 level in Entebbe, Uganda.

2. On Saturday, 27 June 2015, the Applicant filed an Application for Suspension of Action seeking an injunction against the decision not to renew his appointment beyond 30 June 2015.

3. The Application was seen and processed by the Registry of the United Nations Dispute Tribunal (UNDT) in Nairobi on 29 June 2015, and was served on the Respondent on the same day.

Deliberations

4. Applications for suspension of action are governed by article 2.2 of the Statute of the United Nations Dispute Tribunal and article 13 of the Tribunal's Rules of Procedure.

5. The three statutory prerequisites contained in art. 2.2 of the Statute, i.e. *prima facie* unlawfulness, urgency and irreparable damage, must be satisfied for an application for suspension of action to be granted.

6. This remedy is not available in situations where the impugned decision has been implemented.

7. As the implementation of this decision is imminent, and before the expiry of the five day statutory period established for the determination of applications for suspension of action, the Tribunal - using the powers afforded to it in arts. 19 and 36 of the Rules of Procedure – is left with little choice but to suspend the impugned decision for a preliminary five days, during which time the Application can be properly heard and determined.¹

8. The decision to separate the Applicant is stayed until **Friday, 3 July 2015**.

(Signed)

Judge Vinod Boolell

Dated this 29th day of June 2015

Entered in the Register on this 29th day of June 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

¹ *Villamorán* 2011-UNAT-234.