



Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KAPETANOVIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
FOR SUSPENSION OF ACTION
PENDING MANAGEMENT
EVALUATION**

Counsel for applicant:

Shuba Naik, OSLA

Counsel for respondent:

Nicole Wynn, AAS/ALD/OHR

Nusrat Chagtai, AAS/ALD/OHR

Introduction

1. The Applicant is a Civil Affairs Officer at the United Nations Disengagement Observer Force (“UNDOF”). She holds a permanent appointment at the P-3 level and has since 2015 been based at Camp Ziouani in Golan, Israel.

Procedural History

2. On 24 April 2019, the Applicant sought an injunction against the Respondent’s decision to transfer her from Camp Ziouani in Golan, Israel to Camp Faouar, Syria, and to defer the transfer until after the situation caused by the COVID-19 pandemic has stabilized. The Applicant was informed of the impugned decision on 16 April 2020, with instructions to move by 26 April 2020.

3. She wrote to the UNDOF Chief of Mission Support for deferral of the impugned decision on 19 April 2020, and sought review by Management Evaluation on 24 April 2020. There was no response to her request that the reassignment be deferred.

4. The Respondent filed his reply to the application on 27 April 2020. The Respondent moved the Tribunal to dismiss the application because the Respondent has himself suspended the implementation of the impugned decision. The Respondent annexed a brief email from UNDOF Human Resources to the Applicant informing her that her reassignment has been suspended pending management evaluation.

5. The Registry served the Respondent’s reply and invited a response from the Applicant, but none was filed.

Considerations

6. Absent submissions from the Applicant to the contrary, the Tribunal finds that the Respondent's decision to suspend the applicant's reassignment to Faourar results in there being no cause for the injunction being sought by the Applicant.

7. The Application for Suspension of Action is therefore dismissed in its entirety.

Judge Eleanor Donaldson-Honeywell

Dated this 30th day of April 2020

Entered in the Register on this 30th day of April 2020

Abena Kwakye-Berko, Registrar, UNDT, Nairobi