



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/NBI/2025/079
Order No.:	117 (NBI/2025)
Date:	31 July 2025
Original:	English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

AL-ZUBAIRI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER PURSUANT TO ARTICLES 19  
AND 36 OF THE UNDT RULES OF  
PROCEDURE (*VILLAMORAN*)**

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**Counsel for Applicant:**

Aly Ahmed, OSLA

**Counsel for Respondent:**

UNHCR

## **Introduction**

1. The Applicant is a Senior Field Security Assistant with the United Nations Refugee Agency (“UNHCR”) based in Yemen.
2. On 31 July 2025, filed this application to suspend, pending management evaluation, two related administrative decisions: the decision to terminate his appointment effective 31 July 2025 “with one day notice period”; and the decision “to shorten the notice period from six months to less than one month.”
3. The Applicant claims that the termination decision was made on 14 July 2025 and that he was notified on the decision on 29 July 2025. He further claims that the decision to shorten the notice period was made on 29 May 2025 and “he got aware of” that decision on 15 June 2025.
4. On 30 July 2025, the Applicant filed a request for management evaluation of the contested decision. He filed his application for suspension of action pending management evaluation in the early morning of 31 July 2025.

## **Consideration**

5. Pursuant to art. 19 of the UNDT Rules of Procedure, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties. Article 36(1) of the UNDT Rules of Procedure stipulates that all matters that are not expressly provided for in the UNDT’s Rules of Procedure shall be dealt with by decision of the Dispute Tribunal on the particular case, by virtue of the powers conferred on it by art. 7 of its Statute.
6. In *Villamoran* 2011-UNAT-160, it was held that,

Where the implementation of an administrative decision is imminent, through no fault or delay on the part of the staff member, and takes place before the five days provided for under Article 13 of the Rules of Procedure of the UNDT (UNDT Rules) have elapsed, and where the UNDT is not in a position to take a decision under

Article 2(2) of the UNDT Statute, i.e. because it requires further information or time to reflect on the matter, it must have the discretion to grant a suspension of action for these five days. To find otherwise would render Article 2(2) of the UNDT Statute and Article 13 of the UNDT Rules meaningless in cases where the implementation of the contested administrative decision is imminent. (para. 43)

7. This principle was also reaffirmed in *Nwuke* 2012-UNAT-230, para. 34.
8. In the present case, the Applicant submits that he did not receive the 14 July 2025 letter from the Director of DHR until 29 July 2025.
9. The Tribunal considers this to be an appropriate case to grant a *Villamorán* Order so that it may have time to make a reasoned decision on the Applicant's SOA request.
10. The implementation of the decision to abolish the Applicant's post was imminent (31 July 2025). According to the application, the Applicant was only made aware of the decision on 29 July 2025, and thus the imminence is through no fault or delay on the part of the Applicant. The Tribunal is not in a position to take a decision before the five days provided for under art. 13 of the UNDT Rules of Procedure have elapsed, because it requires further information from the Respondent and time to reflect on the matter. Therefore, it is just for the Tribunal to exercise its discretion to grant a suspension of action for those five days. The Respondent was accordingly informed of this decision by the Tribunal today.

## **Conclusion**

11. In view of the foregoing, it is ORDERED THAT:
  - a. The Applicant's request for a suspension of the contested decision pending the art. 13 SOA proceedings is granted.
  - b. The implementation of the contested decision is suspended until further order of this Tribunal.

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c. The Respondent shall file a reply to the application by or before **12:00p.m (Nairobi time), tomorrow, Friday, 1 August 2025.**

*(Signed)*

Judge Sean Wallace

Dated this 31<sup>st</sup> day of July 2025

Entered in the Register on this 31<sup>st</sup> day of July 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi