



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

WEJULI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

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

Counsel for Applicant:

Dorota Banaszewska, OSLA

Counsel for Respondent:

Elizabeth Gall, ALD/OHR, Secretariat

Introduction

1. On 26 June 2020, the Applicant, an “eTA Project Manager” with United Nations Department of Safety and Security in New York, filed an application requesting urgent relief under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend, pending management evaluation, the decision to terminate his continuing appointment.

2. Together with the application for suspension of action, the Applicant also filed a motion for suspension of the contested decision during the pendency of the Tribunal’s consideration of this application (a so-called *Villamoran*-type request).

3. By regular email of 26 June 2020, the Registry acknowledged receipt of the application and ordered the Respondent to file his reply by 1:00 p.m. on Wednesday, 1 July 2020. The undersigned Judge further informed the parties that the motion for interim suspension was granted, and the present Order is issued to reaffirm this instruction.

Consideration

4. Article 13.3 (Suspension of action during a management evaluation) of the Tribunal’s Rules of Procedure provides that the Tribunal “shall consider an application for interim measures within five working days of the service of the application on the respondent”.

5. In *Villamoran* 2011-UNAT-160, the Appeals Tribunal upheld this Tribunal’s *Villamoran* Order No. 171 (NY/2011) finding that the Dispute Tribunal was within its competence to order a suspension of the contested decision pending a determination of the application for suspension of action without having to make a finding as to whether the requirements of a suspension of action under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure had been met.

6. The Applicant submits that his continuing appointment is to be terminated by 30 June 2020.

7. In order for the Tribunal to seek and consider the Respondent's reply to the present suspension of action application,

IT IS ORDERED THAT:

8. Without prejudice to the Dispute Tribunal's decision on the application for suspension of action under art. 2.2 of its Statute and art. 13 of its Rules of Procedure, the Respondent shall not undertake, as from the date and time of service of the present Order, any further steps regarding the contested decision.

(Signed)

Judge Joelle Adda

Dated this 29th day of June 2020