

117 (NY/2024), Herrera

UNAT Held or UNDT Pronouncements

As the Applicant filed the application before the Dispute Tribunal almost two months after the decision to include his name in the ClearCheck database was implemented, the application for suspension of action was therefore not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure requesting the Tribunal to suspend, pending management evaluation, the decision "to include [his] name in the 'Clear Check Database' for the misconduct of 'sexual abuse and sexual harassment'".

Legal Principle(s)

The Tribunal recalled that following the well-established jurisprudence of the Dispute Tribunal regarding art. 2.2 of the Dispute Tribunal's Statute and art. 13.1 of the Rules of Procedure, if a contested decision has already been implemented, suspension of action cannot be granted. (See, for instance, *Daskalova* Order No. 104 (NY/2024); *Stockholder* Order No. 102 (NY/2024); *Wambugu* Order No. 80 (GVA/2024); *Jocondo* Order No. 71 (NBI/2024); *Koura* Order No. 55 (NBI/2022); *Di Mario* Order No. 92 (GVA/2019); *Beda* Order No. 113 (GVA/2018); *Quesada Rafaraso* Order No. 20 (GVA/2013); *Neault* Order No. 6 (GVA/2011); and *Abdalla* Order No. 4 (GVA/2010)).

Outcome

Suspension of action denied

Full order

[Full order](#)

Individual Party

Herrera

Entity

UNHCR

Case Number(s)

UNDT/NY/2024/048

Tribunal

UNDT

Registry

New York

Date of Order

25 Nov 2024

Duty Judge

Judge Belle

Language of Order

English

Issuance Type

Order

Categories/Subcategories

Suspension of action / interim measures

Applicable Law

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2