

020 (GVA/2024), MacNeil

UNAT Held or UNDT Pronouncements

Pursuant to Article 2.2 of the Tribunal's Statute and Article 13.1 of its Rules of Procedure, the Tribunal may suspend the implementation of a contested administrative decision pending management evaluation if the Applicant demonstrates that: The decision appears prima facie unlawful, The matter is of particular urgency, and Implementation would cause irreparable harm. These requirements are cumulative, meaning all three must be satisfied for a suspension of action to be granted. In this case, the record indicated that the Applicant's temporary contract had been extended until 11 March 2024. As a result, the contested decision, the decision not to extend the Applicant's temporary contract beyond 29 February 2024, had been superseded by a subsequent administrative decision. Accordingly, the application for suspension of action was deemed moot. However, the Tribunal clarified that the Applicant retains the right to challenge the new administrative decision should she choose to do so.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the International Court of Justice ("the Court"), requests suspension of action, pending management evaluation, of the decision not to renew her temporary contract beyond 29 February 2024.

Legal Principle(s)

The UNDT has the authority to review its own jurisdiction and competence when determining the receivability of an application, in accordance with Article 2(6) of its Statute. This competence may be exercised even in the absence of objections from the parties, as jurisdiction is a matter of law. Moreover, the Statute prevents the UNDT from adjudicating cases that are not receivable.

Outcome

Suspension of action denied

Full order

[Full order](#)

Individual Party

MacNeil

Entity

ICJ

Case Number(s)

UNDT/GVA/2024/006 (macneil, Victoria)

Tribunal

UNDT

Registry

Geneva

Date of Order

5 Mar 2024

Duty Judge

Judge Sun

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Suspension of action

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Applicable Law

UNDT RoP

- Article 13.1

UNDT Statute

- Article 2.2
- Article 2.6

Related Judgments and Orders

2013-UNAT-335