



Before: Judge Rowan Downing

Registry: Geneva

Registrar: René M. Vargas M.

CHERNEVA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**SUMMARY JUDGMENT
ON AN APPLICATION
FOR INTERPRETATION**

Counsel for Applicant:

Self-Represented

Counsel for Respondent:

Bart Willemsen, UNICEF

Introduction

1. By application filed on 13 May 2018, and registered under Case No. UNDT/GVA/2018/050, the Applicant requests interpretation of Order No. 95 (GVA/2018) of 11 May 2018 whereby the Tribunal adjudicated her application for suspension of action.

Facts

2. On 4 May 2018, the Applicant filed an application for suspension of action pending management evaluation.

3. On 11 May 2018, the Tribunal issued Order No. 95 (GVA/2018) rejecting the application for suspension of action.

Consideration

4. Applications for interpretation are governed by art. 12.3 of the Dispute Tribunal's Statute and art. 30 of its Rules of Procedure. The former provides that:

Either party may apply to the Dispute Tribunal for an interpretation of the meaning or the scope of the final judgement, provided that it is not under consideration by the Appeals Tribunal.

5. The above language is replicated in art. 30 of the Dispute Tribunal's Rules of Procedure, which elaborates on the process to follow and, more specifically, provides that the Tribunal "will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation".

6. The Tribunal notes that both of the above-mentioned provisions limit the scope of applications for interpretation to judgments. Neither the Tribunal's Statute nor its Rules of Procedure contemplate applications for interpretation with respect to orders. It follows that the present application is not receivable *ratione materiae*.

7. The examination of an application's receivability is a matter of law, which may be adjudicated without serving the application on the Respondent for a reply and even if not raised by the parties (see *Christensen* 2013-UNAT-335). Accordingly, the Tribunal has deemed it appropriate, by its own initiative and in accordance with art. 9 of its Rules of Procedure, to decide on the present application by way of summary judgment, which has been accepted as an appropriate means to deal with issues of receivability (see *Chahrour* 2014-UNAT-406 and *Gehr* 2013-UNAT-313).

Conclusion

8. In view of the foregoing, the Tribunal DECIDES:

The application for interpretation of Order No. 95 (GVA/2018) is rejected.

(Signed)

Judge Rowan Downing

Dated this 16th day of August 2018

Entered in the Register on this 16th day of August 2018

(Signed)

René M. Vargas M., Registrar, Geneva