



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

SAREVA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Kara D. Nottingham, UNOG

Introduction

1. By application filed on 13 June 2017, the Applicant requests suspension of action, pending management evaluation, of the decision “not to select [him] ... to the post of Director, United Nations Institute for Disarmament Research (UNIDIR), which was advertised on 20 April 2016”.

2. The application was served on the Respondent, who filed his reply on 16 June 2017, claiming *inter alia* that the Management Evaluation Unit (MEU) had replied to the Applicant’s request for management evaluation. To his reply, the Respondent attached a copy of a 15 June 2017 letter from the MEU to the Applicant.

Consideration

3. Article 2.2 of Tribunal’s Statute and art. 13 of its Rules of Procedure provide that the Tribunal can suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage to the Applicant. All of these requirements must be met in order for a suspension of action to be granted.

4. The established Appeals Tribunal jurisprudence is that an application for suspension of action can only be apposite before and granted by the Tribunal when it is subject to an ongoing management evaluation (see e.g., *Igbinedion* 2011-UNAT-159).

5. The Tribunal notes that the Applicant filed his request for management evaluation on 13 June 2017 and that MEU replied to him on 15 June 2017.

6. In view of the fact that the MEU responded to the Applicant's request for management evaluation before the determination of the application for suspension of action by the Tribunal, his request is moot.

Conclusion

7. In view of the foregoing, the application for suspension of action is rejected.

(Signed)

Judge Teresa Bravo

Dated this 19th day of June 2017

Entered in the Register on this Dated this 19th day of June 2017

(Signed)

René M. Vargas M., Registrar, Geneva