



Before: Duty Judge
Registry: Geneva
Registrar: René M. Vargas M.

ADELEGAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON MOTION
FOR INTERIM MEASURES
PENDING PROCEEDINGS**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
UNOPS

Introduction

1. By application filed on 30 October 2020, the Applicant contests the non-renewal of his fixed-term contract, which expired on 31 October 2020.
2. On the same date, the Applicant filed a motion for interim measures pending proceedings seeking the suspension of the above-mentioned contested decision.

Consideration

3. Interim measures during the proceedings are governed by art. 10.2 of the Tribunal's Statute and art. 14.1 of its Rules of Procedure. The latter, which replicates almost completely the former, provides that:

At any time during the proceedings, the Dispute Tribunal may order interim measures to provide temporary relief where the contested administrative decision appears *prima facie* to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination.

4. For the Tribunal to consider interim measures, the cumulative conditions set forth in the above-mentioned provisions must be met (see *Nadeau* Order No. 116 (NY/2015), *Awomeyi* Order No. 165 (GVA/2015), *Kazagic* Order No. 20 (GVA/2015), *Auda* Order No. 156 (GVA/2016, and *Andrysek* Order No. 111 (GVA/2019)):

- a. The motion for interim measures must have been filed in connection with a pending application on the merits before the Tribunal and at any time during the proceedings;
- b. The order for interim measures requires an administrative decision directly impacting the actual or former applicant's terms of employment;
- c. The required temporary relief must not concern appointment, promotion or termination;

d. The contested administrative decision appears *prima facie* to be unlawful;

e. There is particular urgency in requesting the interim measures; and

f. The implementation of the contested administrative decision would cause irreparable damage.

5. The application on the merits that the Applicant filed concerns a matter of separation and, consequently, the motion does not meet the condition spelled out in para. 4.c above. It follows that the Tribunal cannot order a temporary relief in this matter (see *Siri* 2016-UNAT-609, *Auda* 2016-UNAT-671, *Benchebbak* 2012-UNAT-256, and *Chemingui* 2016-UNAT-641).

6. Furthermore, the Tribunal notes that the contested decision has already been implemented as the Applicant's fixed-term appointment expired on 31 October 2020. It follows that the motion does not meet also the condition under para. 4.f above.

7. For the above-mentioned reasons, the Tribunal finds that the motion cannot succeed.

Conclusion

8. In view of the foregoing, it is ORDERED THAT the Applicant's motion for interim relief pending proceedings is rejected.

(Signed)

Judge Teresa Bravo (Duty Judge)

Dated this 4th day of November 2020

Entered in the Register on this 4th day of November 2020

(Signed)

René M. Vargas M., Registrar, Geneva