



Before: Judge Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

KEMBOUCHE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for Applicant:

Ana Giulia Stella, OSLA

Counsel for Respondent:

Marisa MacLennan, UNHCR

Introduction

1. By application filed on 23 March 2022, the Applicant, a staff member of the Office of the High Commissioner for Human Rights, requests suspension of action, pending management evaluation, of the decision to terminate her indefinite appointment.

2. The application for suspension of action was served on the Respondent, who filed his reply on 25 March 2022.

Consideration

3. Art. 2.2 of the Tribunal's Statute and art. 13 of its Rules of Procedure, governing applications for suspension of action, provide in their relevant part that the Tribunal may suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears *prima facie* to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.

4. The Tribunal notes that in his reply, the Respondent advises the Tribunal that he undertakes to suspend termination of the Applicant's appointment and not to implement her separation pending the outcome of the management evaluation request.

5. It follows from the above that the request for suspension of action has become moot and that the Tribunal does not need to examine if the three statutory requirements specified in art. 2.2 of its Statute and art. 13.1 of its Rules of Procedure, namely *prima facie* unlawfulness, urgency and irreparable damage, are met in the case at hand.

Conclusion

6. In view of the foregoing, the Tribunal **DECIDES** that the present application for suspension of action is moot and, consequently, there is nothing further for the Tribunal to adjudicate.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 28th day of March 2022

Entered in the Register on this 28th day of March 2022

(Signed)

René M. Vargas M., Registrar, Geneva