



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

AKHTAB

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Louis-Philippe Lapicerella, UNHCR
Francisco Navarro, UNHCR

Introduction

1. By application filed on 22 December 2023, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), requests suspension of action, pending management evaluation, of the decision to discontinue the position of Assistant Child Protection Officer that she encumbers in Cox’s Bazaar, Bangladesh.

2. The application for suspension of action was served on the Respondent, who filed his reply on 27 December 2023.

Facts

3. On 28 September 2023, the Applicant received a letter from the UNHCR Representative in Bangladesh informing her of the decision to discontinue the position she encumbers effective 1 January 2024.

4. On 28 November 2023, the Applicant requested management evaluation of the above decision.

Consideration

5. Art. 2.2 of the Tribunal’s Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. These three requirements are cumulative. In other words, they must all be met in order for a suspension of action to be granted.

6. In his reply, the Respondent advised the Tribunal that on 23 December 2023, the Deputy High Commissioner, UNHCR, completed the consideration of the Applicant’s request for management evaluation. He further added that the Applicant received the outcome of her request for management evaluation by email of 26 December 2023.

7. To his reply the Respondent annexed a copy of a 23 December 2023 letter from the Deputy High Commissioner, UNHCR, to the Applicant upholding the contested decision, and of the 26 December 2023 email communicating it to the Applicant.

8. It follows that the application for suspension of action pending management evaluation 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

9. In view of the foregoing, there is nothing further for the Tribunal to adjudicate and it DECIDES to reject the application for suspension of action pending management evaluation.

10. In closing, the Tribunal underlines that the Applicant retains the right to contest the administrative decision at issue pursuant to staff rule 11.4(a).

(Signed)

Judge Sun Xiangzhuang

Dated this 28th day of December 2023

Entered in the Register on this 28th day of December 2023

(Signed)

René M. Vargas M., Registrar, Geneva