



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/028

Order No.: 92 (GVA/2025)

Date: 23 July 2025

Original: English

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**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** Liliana López Bello

WAGNER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON A MOTION  
FOR INTERIM MEASURES**

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**Counsel for Applicant:**

Manuel Calzada

**Counsel for Respondent:**

Lucienne Pierre, AS/ALD/OHR/UN Secretariat

Tamal Mandal, AS/ALD/OHR/UN Secretariat

## **Introduction**

1. On 15 July 2025, the Applicant, a staff member of the United Nations Mission in Kosovo (“UNMIK”), filed a motion for interim measures seeking suspension of the implementation of the administrative decision to only renew her fixed-term appointment (“FTA”) for one month, ending on 31 July 2025.
2. On 16 July 2025, the motion mentioned above was served to the Respondent, who filed his reply on 18 July 2025.
3. For the reasons set out below, the Applicant’s motion for interim measures is dismissed.

## **Facts**

4. On 27 May 2025, the Applicant filed an application challenging the decision dated 20 February 2025, and reiterated on 25 March 2025, to temporarily reassign her to the Office of the Deputy Special Representative of the Secretary-General (“DSRSG”).
5. On 30 June 2025, the Respondent filed his reply.
6. On 15 July 2025, the Applicant filed the instant motion for interim measures.

## **Consideration**

7. Art. 10.2 of the Tribunal’s Statute and art. 14.1 of the Tribunal’s Rules of Procedure provides that the Tribunal may, at any time during the proceedings, order an interim measure, which is without appeal, to provide temporary relief to either party, 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.
8. For the Tribunal to order interim measures, several 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 *Harvey* Order No. 10 (GVA/2020):

- 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 administrative decision contested in the application on the merits appears *prima facie* to be unlawful, relates to a case of particular urgency, and its implementation would cause irreparable damage; and
- c. The requested temporary relief must not concern appointment, promotion or termination.

9. In the motion for interim measures at hand, the Applicant seeks to suspend the implementation of the administrative decision to renew her FTA for only one month, ending on 31 July 2025. Said administrative decision is not connected with the pending application on the merits before this Tribunal, which rather concerns the decision to reassign the Applicant to a different position temporarily.

10. As the motion for interim measures seeks to suspend the implementation of a decision that is not being contested in these proceedings, it is not receivable *ratione materiae*.

11. In addition, the Respondent has provided evidence that the Applicant's FTA has been extended until 31 October 2025. This means that the motion for interim measures has lost its object and is equally not receivable under this aspect.

### **Conclusion**

12. In view of the foregoing, the motion for interim measures is dismissed as not receivable.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 23<sup>rd</sup> day of July 2025

Entered in the Register on this 23<sup>rd</sup> day of July 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva