



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/GVA/2025/094
Order No.:	142 (GVA/2025)
Date:	4 December 2025
Original:	English

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**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** Liliana López Bello

WACHIRA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Sandra Baffoe-Bonnie, UNEP

Wambui Kahama-Bernard, UNEP

## **Introduction**

1. By application filed on 26 November 2025, the Applicant, a staff member of the United Nations Environment Programme (“UNEP”), requests suspension of action, pending management evaluation, of the decision to terminate her permanent appointment effective 31 January 2026.
2. The application for suspension of action was served on the Respondent, who filed his reply on 1 December 2025.
3. For the reasons set forth below, the Tribunal decides to reject the application.

## **Relevant facts and procedural background**

4. The Applicant is a GS-7 Senior Administrative Assistant holding a permanent appointment in UNEP, Paris.
5. In 2025, UNEP conducted an organization-wide Functional Review to address financial constraints, restructuring needs, and the realignment of administrative support capacity. This was followed by an organizational downsizing/comparative review process (“CRP”). The Applicant’s post was subject to review during these processes. Following implementation of the Administrative Instruction on the Downsizing or restructuring resulting in termination of appointments (“ST/AI/2023/1”) and CRP methodology, her post was assessed as stand-alone for comparative review purposes and the staff member’s appointment was flagged for termination.
6. On 9 September 2025, the Executive Director, UNEP, established a Staff Management Group (“SMG”) to advise on the implementation of the downsizing policy and undertake a comparative review of staff in accordance with ST/AI/2023/1, considering the anticipated reductions in the Environment Fund (“EF”) and the Programme Support Costs (“OTA”).
7. On 29 October 2025, the Applicant was informed that, upon conclusion of the CRP, her permanent appointment will be terminated in accordance with staff regulation 9.3(a)(i), effective 31 January 2026. She was further informed that

this letter constituted an official notice of termination, in line with staff regulation 9.3(c), staff rule 9.8, and annex III of the staff regulations. This is the “contested decision”.

8. On 11 November 2025, the Applicant requested management evaluation of the contested decision and the suspension of it before the Management Advice and Evaluation Section (“MAES”).

9. On 12 November 2025, MAES formally acknowledged receipt of the Applicant’s request for management evaluation and her parallel request for suspension of action. MAES informed the Applicant that suspension was not necessary, as the management evaluation would be completed by 26 December 2025, well before her separation date of 31 January 2026. Thus, there would be no implementation to suspend during the review period.

### **Consideration**

10. 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. Furthermore, the burden of proof rests on the Applicant.

11. The contested decision in this case is scheduled for implementation on 31 January 2026, whereas the management evaluation is expected to conclude by 26 December 2025. This effectively means that the management evaluation will be completed more than a month prior to the implementation date.

12. The Tribunal can only suspend the implementation of a decision which is pending management evaluation if the cumulative three conditions are met; that is, of *prima facie* unlawfulness, urgency and irreparable damage. The aim of such a measure is to prevent the implementation of a decision while the internal review process (i.e., management evaluation) is still ongoing.

13. This means that a decision scheduled for implementation after the completion of the management evaluation cannot be suspended simply because there is no action yet to suspend.

14. The fact that the Applicant has received administrative notifications which she considers as preparatory steps towards separation does not mean that implementation is imminent or that the case is urgent. The contested decision even states that the Applicant has been placed in retention group 1, subgroup 1.1, granting her priority consideration for positions at her level or one level below within her category and duty station, for applications submitted within three months from the date of receipt of the termination notice.

15. This effectively means that, if the Applicant is selected for another position within the Organization before the scheduled implementation date, the termination of her permanent appointment will be halted. Therefore, contrary to the Applicant's interpretation, the implementation of the decision has not commenced, as there remains a possibility of finding alternative employment.

16. Accordingly, the instant application for suspension of action is premature and is, therefore, not receivable. On the merits, the application equally fails for lack of urgency. Given the cumulative nature of the conditions to be met for the granting of a suspension of action, the Tribunal does not find it necessary to consider whether the contested decision is *prima facie* unlawful or whether it would cause irreparable damage (*Evangelista* UNDT/2011/212; *Dougherty* UNDT/2011/133).

### **Conclusion**

17. In view of the foregoing, the application for suspension of action pending management evaluation is rejected.

(Signed)

Judge Sun Xiangzhuang

Dated this 4<sup>th</sup> day of December 2025

Entered in the Register on this 4<sup>th</sup> day of December 2025

(Singed)

Liliana López Bello, Registrar, Geneva