



Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

GEBRE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Fasil Amdetsion, OSLA

Counsel for the Respondent:

Steven Dietrich, ALS/OHRM

Alister Cumming, ALS/OHRM

Introduction

1. The Applicant is serving as a Special Assistant at the P-3 level with the United Nations Interim Security Force in Abyei (UNISFA).
2. On 9 February 2016, he filed an Application for suspension of action pending management evaluation of the decision not to renew his six-month temporary appointment beyond 31 January 2016. The Chief Human Resources Officer (CHRO) of UNISFA informed the Applicant by a memorandum dated 4 February 2016 that he was to report to the Regional Service Centre in Entebbe on 8 February to finalize his check-out process and depart from Entebbe on 11 February 2016.
3. The Application was served on the Respondent on 10 February 2016 and he filed his Reply on 12 February 2016.

Considerations

4. Pursuant to article 2.2 of the UNDT Statute and article 13.1 of the UNDT Rules of Procedure, the Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to 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. The Dispute Tribunal is mandated to consider an application for interim measures within five working days of the service of the application on the Respondent.
5. The Respondent submitted in his Reply of 12 February 2016 that UNISFA had notified the Applicant on 11 February 2016 of the renewal of his appointment pending management evaluation. In support of this submission, he submitted an email dated 11 February 2016 from the UNISFA Chief of Mission Support to the Applicant informing him of the extension of his temporary appointment for the duration of the management evaluation.

6. The Tribunal gave the Applicant an opportunity to provide comments on the Respondent's submission but he did not do so.

7. Since the Respondent has, of his own volition, suspended implementation of the contested decision, there is no longer a live issue before the Tribunal.

Decision

10. The Tribunal strikes out the matter of *Gebre v. The Secretary-General of the United Nations*, Case No. UNDT/NBI/2016/013.

(Signed)

Judge Vinod Boolell

Dated this 17th day of February 2016

Entered in the Register on this 17th day of February 2016

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi