



**Before:** Judge Vinod Boolell  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

HAYDAR

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 the Applicant:**  
Edwin Nhliziyo

**Counsel for the Respondent:**  
Steven Dietrich, ALS/OHRM  
Alister Cumming, ALS/OHRM

## **Introduction**

1. The Applicant is a staff member of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).

## **Procedural History**

2. On 3 May 2016, the Applicant filed an Application for suspension of action pending management evaluation with the United Nations Dispute Tribunal (UNDT) in Nairobi seeking suspension of the decision to temporarily reassign her to the Supply Section during the pendency of an investigation.

3. At the direction of the Tribunal, the Respondent filed his Reply to the Application on 6 May 2016. The Applicant was provided the opportunity to file her observations or comments on the Reply by 5 p.m. (Nairobi time) on 9 May 2016.

## **Considerations**

4. Under 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.

5. The Respondent submitted in his Reply that “[t]he Administration will not implement the contested decision pending management evaluation”. Although the Applicant was provided with an opportunity to provide comments on the Respondent’s Reply, she did not do so.

6. In the absence of an objection from the Applicant, the Tribunal is satisfied with the Respondent’s undertaking to suspend implementation of the contested

decision pending management evaluation. Accordingly, there is no longer a live issue for determination by the Tribunal.

**Decision**

7. The Tribunal strikes out the matter of *Haydar v. The Secretary-General of the United Nations*, Case No. UNDT/NBI/2016/032.

*(Signed)*

Judge Vinod Boolell

Dated this 10<sup>th</sup> day of May 2016

Entered in the Register on this 10<sup>th</sup> day of May 2016

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi