



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/003
Order No.: 001 (NBI/2022)
Date: 5 January 2022
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

TURK

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
AAS/ALD/OHR

Introduction

1. The Applicant filed an application on 31 December 2021 seeking suspension of the decision by the United Nations Assistance Mission for Iraq (“UNAMI”) not to renew his fixed-term appointment (“FTA”) beyond 31 December 2021.
2. The application was transmitted to the Respondent on 5 January 2022 in accordance with art. 13.2 of the UNDT Rules of Procedure.

Facts

3. On 2 December 2021, the Applicant received a letter from the Chief of Mission Support, UNAMI (“CMS/UNAMI”) informing him of the non-renewal of his FTA beyond 31 December 2021 due to retrenchment.
4. The Applicant requested management evaluation of this decision on 7 December 2021.
5. In a response dated 28 December 2021, the Under-Secretary-General for Management Strategy, Policy and Compliance informed the Applicant that she had decided to endorse the recommendation of the Management Evaluation Unit (“MEU”) to uphold the contested decision.
6. The Applicant filed the current application for suspension of action on 31 December 2021.

Considerations

7. The Tribunal finds that this application for suspension of action is not receivable for two reasons.
8. Firstly, applications for suspension of action filed pursuant to articles 2.2 of the UNDT Statute and art. 13.1 of the Rules of Procedure must be predicated on a pending

management evaluation. The Tribunal notes that in the current case, there is no management evaluation pending because the Applicant received a response to his request for management evaluation on 28 December 2021.

9. Secondly, applications for suspension of action filed pursuant to articles 10.2 of the UNDT Statute and art. 14.1 of the Rules of Procedure must be based on an existing substantive application and cannot be granted in cases of appointment. Here, the Applicant has not previously filed a substantive application and he is seeking suspension of a non-renewal decision, which is deemed to be an appointment-related decision.

10. Since the application is not receivable, the Tribunal will not consider the elements of prima facie lawfulness, urgency and irreparable harm.

ORDER

11. The application for suspension of action is refused.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 5th day of January 2022

Entered in the Register on this 5th day of January 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi