



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Abena Kwakye-Berko

DIAWARA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Robbie Leighton, OSLA

Counsel for the Respondent:
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a Gender Affairs Officer at P-4 level on Temporary Appointment, working with the United Nations Mission in South Sudan (“UNMISS”).¹

2. On 26 July 2023, she filed an application for suspension of action before the United Nations Dispute Tribunal in Nairobi seeking to suspend the UNMISS Administration’s decision to exclude her from recruitment on Vacancy Announcement (“VA”) 207311-R and the decision not to renew her temporary assignment.²

3. The application for suspension of action was served on the Respondent on 27 July 2023, who filed his reply on 28 July 2023.

Considerations

4. Under art. 2.2 of the Dispute Tribunal’s Statute, a preliminary condition for suspension of action is the existence of a reviewable administrative decision directly affecting a staff member’s terms of appointment.

5. In the present case, the Respondent advises the Tribunal that UNMISS has decided to suspend, pending management evaluation, the recruitment process for the P-4 Gender Affairs Officer for the VA 207311-R and to extend the Applicant’s temporary appointment up to 30 September 2023.³

6. The Respondent has already notified the Applicant of this decision. The Applicant has also been advised not to proceed with the check-out process.⁴

¹ Application, section I.

² *Ibid.*, section V.

³ Reply, annex 1.

⁴ *Ibid.*

7. On 31 July 2023, the Applicant informed the Tribunal that the Respondent had voluntarily decided to suspend the non-renewal decision and the contested recruitment process. Thus, the Applicant sought leave to withdraw her application.⁵

8. It follows, from the above, that the application for suspension of action pending management evaluation before this Tribunal has become moot and has been withdrawn by the Applicant.

ORDER

9. The application is rejected as moot because the Applicant has been granted the relief she seeks before the Tribunal and the Tribunal grants the Applicant's motion to withdraw the application.

(Signed)

Judge Sean Wallace

Dated this 31st day of July 2023

Entered in the Register on this 31st day of July 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

⁵ Applicant's notice for withdrawal of the application for suspension of action, filed on 31 July 2023.