



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Eric Muli, Officer-in-Charge

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON SUSPENSION OF
PROCEEDINGS PENDING THE
OUTCOME OF THE APPEAL IN CASE
NO. 2023-UNAT-1783**

Counsel for the Applicant:
Robbie Leighton, OSLA

Counsel for the Respondent:
Lucienne Pierre, AS/ALD/OHR

Introduction

1. The Applicant, a staff member of the United Nations, filed an application on 26 June 2023 to contest the decision to deny their request for change of gender recognized by the United Nations.

2. The Respondent filed a reply on 27 July 2023 in which it is argued, among others, that the application is not receivable *ratione materiae* based on the *lis pendens* doctrine.

Consideration

3. The Tribunal notes that the present application follows a prior application by the Applicant contesting a refusal to change their gender from male to female, in which this Tribunal issued a judgment. This judgment was appealed and it is pending before the United Nations Appeals Tribunal (“UNAT”) as Case No. 2023-UNAT-1783.

4. The Tribunal is of the view that the outcome of that appeal will impact the handling of the present application. Accordingly, it is in the interest of judicial economy to suspend the proceedings in this case pending the outcome of the appeal in Case No. 2023-UNAT-1783.

Conclusion

5. In view of the foregoing, it is **ORDERED THAT:**

a. the proceedings in the present case are suspended pending UNAT’s decision; and

b. the Applicant shall advise the Tribunal within 10 days of receipt of the UNAT Judgment so that this Tribunal can take appropriate action with regard to this case.

Case No. UNDT/NBI/2023/052

Order No.: 146 (NBI/2023)

(Signed)

Judge Sean Wallace

Dated this 26th day of September 2023

Entered in the Register on this 26th day of September 2023

(Signed)

Eric Muli, Officer-in-Charge, Nairobi