



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

NOUINOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON INTERIM MEASURES

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman ALD/OHR, UN Secretariat

Introduction

1. On 27 November 2018, the Applicant, a former Programme Management Assistant at the G-5 level, step 6, in the Office for Counter-Terrorism (“OCT”), filed an application on the merits contesting the decision to not extend her short-term appointment beyond its expiration date.
2. On 24 January 2019, the Applicant filed an “urgent and immediate motion to stop OCT [t]reatment of the Applicant as a dead staff member”. On the same date, the case was reassigned to the undersigned judge.
3. On 29 January 2019, as directed by the Tribunal, the Respondent filed his response to the 24 January 2019 motion.

Consideration

4. Article 10.2 of the Dispute Tribunal’s Statute, mirrored by art. 14.1 of the Tribunal’s Rules of Procedure, provides:

... At any time during the proceedings, the Dispute Tribunal may order an interim measure, which is without appeal, to provide temporary relief to either party, where the contested administrative decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage.

5. The Applicant states that, upon her separation, the OCT paid her outstanding salary to a bank account that was overdrawn while she was given no opportunity to provide an alternative account for the receipt of such payment. She requests the Tribunal to order (a) that the Respondent provide the Tribunal with all the paperwork signed on behalf of the Applicant without her authorization, and (b) that the Applicant be allowed access to her personnel file.

6. The Respondent argues that the motion does not meet the requirements of art. 10.2 of the Dispute Tribunal's Statute as it does not identify an administrative decision that is *prima facie* unlawful or a case of urgency. The Respondent states that the Applicant was provided with an opportunity to identify an alternative bank account for the disbursement of her final entitlements but that she refused to do so. Therefore, these entitlements were disbursed to the account the Applicant had previously identified.

7. With respect to the request for access to the Applicant's personnel file, the Respondent states that the Applicant may examine her official status file by sending a request to a specified email address and notes that the Applicant provides no evidence that she made any efforts to request access to her file through the established procedures.

8. Regarding the Applicant's first requests, namely that the Tribunal order the Respondent to provide all the documents he allegedly signed on her behalf without her authorization, the Tribunal understands that this request concerns the disbursement of the Applicant's final entitlements to her previously designated bank account. The Tribunal notes the Respondent's statement that the bank account used to make the disbursement was the one the Applicant had previously provided and where her salaries had been deposited. It notes further that despite being given the opportunity to do so, the Applicant refused to provide updated bank details.

9. In light of the above, the Tribunal is not satisfied that the decision to disburse the Applicant's final entitlements to the bank account on record was *prima facie* unlawful. Therefore, the Tribunal finds no basis to order the requested interim relief.

10. The Respondent states that the Applicant will be allowed to examine her official personnel status file upon request through the official procedures. Therefore, the Applicant's request in this respect is moot.

IT IS ORDERED THAT:

11. The motion for interim measures is rejected.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 30th day of January 2019