



Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

ESPINOZA MADRID

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON SUSPENSION PENDING THE
CONSIDERATION OF AN
APPLICATION FOR SUSPENSION OF
ACTION UNDER ART. 2.2 OF THE
DISPUTE TRIBUNAL'S STATUTE**

Counsel for Applicant:
Dorota Banaszewska, OSLA

Counsel for Respondent:
UNFPA

Introduction

1. On 16 December 2019, the Applicant, a staff member at the P-5 level with the United Nations Population Fund (“UNFPA”) in New York, filed an application requesting urgent relief under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend, pending management evaluation, the decision to reassign her from New York to Panama to take up a position of a P-5 Regional Programme Adviser.

2. Together with the application for suspension of action, the Applicant also files a motion for suspension of the contested decision during the pendency of the Tribunal’s consideration of this application (a so-called *Villamoran*-type request).

Consideration

3. Article 13.3 (Suspension of action during a management evaluation) of the Tribunal’s Rules of Procedure provides that the Tribunal “shall consider an application for interim measures within five working days of the service of the application on the respondent”.

4. In *Villamoran* 2011-UNAT-160, the Appeals Tribunal upheld this Tribunal’s *Villamoran* Order No. 171 (NY/2011) finding that the Dispute Tribunal was within its competence to order a suspension of the contested decision pending a determination of the application for suspension of action without having to make a finding as to whether the requirements of a suspension of action under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure had been met.

5. The Applicant submits that UNFPA “suddenly” decided to reassign her to Panama in response to her filing a management evaluation request on 21 November 2019 and that a transfer to Panama is imminent.

6. In order for the Tribunal to seek and consider the Respondent's reply to the present suspension of action application,

IT IS ORDERED THAT:

7. Without prejudice to the Dispute Tribunal's decision on the application for suspension of action under art. 2.2 of its Statute and art. 13 of its Rules of Procedure, the Respondent shall not undertake, as from the date and time of service of the present Order, any further steps regarding the contested decision.

(Signed)

Judge Joelle Adda

Dated this 16th day of December 2019