



**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

SCHERPBIER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

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

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**Counsel for Applicant:**  
Dorota Banaszewska, OSLA

**Counsel for Respondent:**  
UNICEF

## **Introduction**

1. On 24 February 2020, the Applicant, a staff member with the United Nations Children’s Fund (“UNICEF”) holding a permanent appointment, filed an application requesting under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure, a suspension of action, pending management evaluation, of the “decision of the Administration to terminate his appointment following completion of his secondment with the World Bank”.

2. Together with the application for suspension of action, the Applicant also filed a motion for suspension of the contested decision during the pendency of the Tribunal’s consideration of this application (a so-called *Villamorán*-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 *Villamorán* 2011-UNAT-160, the Appeals Tribunal upheld this Tribunal’s *Villamorán* 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 he “is aware that he will be separated on 29 February 2020”.

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 implementation of the contested administrative decision.

*(Signed)*

Judge Eleanor Donaldson-Honeywell

Dated this 24<sup>th</sup> day of February 2020