



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

APPLICANT

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**

AND

ON REQUEST FOR ANONYMITY

Counsel for Applicant:
Dorota Banaszewska, OSLA

Counsel for Respondent:
UN Secretariat

Introduction

1. On 26 June 2020, the Applicant, a staff member with a peacekeeping mission, 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 decisions to refuse to certify her sick leave request and to separate her upon expiration of her fixed-term appointment on 30 June 2020.
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).
3. The Applicant also requests for anonymity on the ground that this case concerns her sensitive medical information.
4. The application, which was initially filed with the Nairobi Registry, was transferred to New York Registry on the same day.

Consideration

5. 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".
6. 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.

7. The Applicant submits that the Administration notified her of the decision to refuse to certify her sick leave request on 25 June 2020 and that as a consequence she will be separated on 30 June 2020.

8. In order for the Tribunal to seek and consider the Respondent's reply to the present suspension of action application, the Applicant's *Villamorán* request is granted.

9. Given the confidential and sensitive nature of the Applicant's medical condition, her request for anonymity is also granted.

IT IS ORDERED THAT:

10. 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 to separate her on 30 June 2020.

11. The Applicant's request for anonymity is granted.

12. The Respondent shall submit his reply by **4:00 p.m. on Tuesday, 30 June 2020 (New York Time)**.



Judge Joelle Adda

Dated this 26th day of June 2020