



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:

Adjovi, Sètonджи Roland ADJOVI, *Etudes Vihodé*

Counsel for Respondent:

UN Secretariat

Note: This order is re-issued due to a typo in the header. Number, date and content of the order remain identical.

Introduction

1. On 30 December 2020, the Applicant 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 not to renew his temporary appointment on grounds of a negative performance evaluation.
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 may unduly risk his reputation.

Consideration

4. 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".
5. 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.
6. The Applicant submits that the Administration notified him of the contested decision on 16 and 21 December 2020 and that as a consequence he will be separated on 30 December 2020.

7. 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.

8. The Applicant's request for anonymity in order to avoid undue risk to his reputation is also granted.

IT IS ORDERED THAT:

9. 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 him on 30 December 2020.

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

11. The Respondent shall submit his reply by **4:00 p.m. on Tuesday, 5 January 2020 (New York Time)**.

(Signed)

Judge Joelle Adda

Dated this 30th day of December 2020