



Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

TAPE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF ACTION

Counsel for Applicant:

Martine Lamothe

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Nasuru Magomu, AS/ALD/OHR, UN Secretariat

Introduction

1. On 13 September 2024, the Applicant, a Security Officer with the United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”), filed an application for suspension of action under art. 2.2 of the Statute of the Dispute Tribunal regarding the 10 September 2024 decision to repatriate him on 14 September 2024.
2. By email of the same date (13 September 2024), the Registry acknowledged receipt of the application and served it on the Respondent. On behalf of the Tribunal, the Respondent was also ordered not to implement the contested decision until the Tribunal had issued its final decision on the application.
3. On 15 September 2024, the Applicant forwarded to the Registry an email of 14 September 2024 from the Chief of the Conduct and Discipline team at MINUSMA.
4. On 18 September 2024, the Respondent duly filed his reply.

Background

5. In the reply, the Respondent submits that “MINUSMA has rescinded the contested decision” and the application is therefore “moot and not receivable *ratione materiae*”. The Respondent further notes that “[a]s per the undertaking that the Applicant signed, he may be repatriated any time up to 30 November 2024”. By this undertaking, the Tribunal understands that the Respondent refers to the memorandum of understanding dated 7 August 2024 by which the Applicant agrees to the termination of his continuing appointment effective 30 November 2024 and states that “I agree to comply with the effective date of termination and to separate from the Organization no later than **30 November 2024**” (emphasis in original).
6. To the reply, the Respondent appends an email correspondence from the Chief of Human Resources (“the HR Chief”) of 16 September 2024 with the Applicant.

Therein, the HR Chief informs the Applicant that the “check-out memo ... is being rescinded and a new date for advance repatriation travel will follow”. The HR Chief further refers to an email of 13 September 2024 from Human Resources to the Applicant, stated below in the email correspondence, in which it is indicated that, “*Kindly note that to ensure an orderly and safe withdrawal of MINUSMA personnel from Mali, your early repatriation travel to your place of home leave/recruitment has been set for 20 September 2024*” (emphasis in original).

7. Accordingly, as the Respondent has rescinded the contested decision, the purpose of the present application for suspension of action has been rendered moot. The application is therefore to be rejected. The Tribunal, however, also notes that this determination does not concern any decision possibly made in the 13 September 2024 from the HR Chief to the Applicant, which is not part of the challenge made in the application before it.

Conclusion

8. The application is rejected.

(Signed)

Judge Joelle Adda

Dated this 18th day of September 2024

Entered in the Register on this 18th day of September 2024

(Signed)

Isaac Endeley, Registrar, New York