
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2011/047

Judgment No.: UNDT/2011/151

Date: 26 August 2011

Original: English

Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Jean-Pele Fomété

ASHRAF

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGEMENT
ON AN APPLICATION FOR
SUSPENSION OF ACTION

Introduction

1. On 10 August 2011, the Applicant, a staff member of the United Nations Missions in Sudan (“UNMIS”), requested management evaluation and suspension of the decision not to renew his appointment beyond 31 August 2011.

2. On 22 August 2011, the Applicant filed an application for suspension of action with the United Nations Dispute Tribunal (“the Tribunal”). On 24 August 2011, the application was served on the Respondent. Their reply was received on the following day.

Relevant Facts

3. The Applicant joined UNMIS on 11 May 2009 as Mission Spokesperson/Deputy Chief Public Information Officer on a fixed-term appointment of one year, which was renewed upon expiration.

4. On 1 June 2011, the Applicant received notification by email of his reassignment to Juba effective 1st July 2011. This relocation was in line with the expiry of the UNMIS mandate and the movement of all International Staff of the Public Information Office (PIO) from the North to South Sudan.

5. On 20 July 2011, the Applicant signed an offer of a fixed-term appointment for the period 1 July 2011 to 30 June 2012 for the position of Spokesperson with UNMIS. The offer was issued by the Chief Civilian Personnel Officer (“CCPO”), UNMIS on 13 July 2011.

6.

Prima facie unlawfulness

In *Abosedra* Order No. 10 (NBI/2011), the Tribunal held that the first requirement is that the administrative decision must be unlawful and “what is unlawful depends obviously on the specific circumstances of each case”. It further stated that “such

(Signed)

Judge Vinod Boolell

Dated this 26th day of August 2011

Entered in the Register on this 26th day of August 2011

(Signed)

Jean-Pelé Fomété, Registrar, Nairobi