

UNITED NATIONS DISPUTE TRIBUNAL

position to P-5 by the end of 2012. She invited the Applicant to apply for the new post.

6. By a memorandum dated 17 October 2012, the Officer-in-Charge (“OIC”) of the ESCWA Human Resources Management

11. The issue here is can the Tribunal suspend the selection process for the Temporary Vacancy Announcement?

12. Article 2.2 of the Tribunal's Statute read together with art. 13 of the Rules of Procedure clearly state that the Tribunal can only suspend the implementation of an administrative decision that is the subject of an ongoing management evaluation.

13. In the present case, the temporary vacancy announcement was advertised on

attempt to retaliate against her for assisting with an OIOS investigation into misconduct against her FRO.

16. The Respondent made no submissions in his Reply in relation to *prima facie* *unlawfulness*.

17. In

promote a conducive working environment in which every staff member is respected and which is devoid of hostility, fear or discrimination. The Secretary-General had promulgated ST/SGB/2008/5 in which the misconduct of workplace harassment belongs in a special class of prohibited conduct. It is to be expected that where a harassment complaint is filed against a manager, urgent and necessary steps must be taken to address it. Where in fact a staff member has filed such a grievance, it is both illegal and unethical to separate him or her without entertaining the complaint. The separation of a complainant with a pending complaint of prohibited conduct is a mockery of the Secretary-General's efforts to protect staff members and a subversion of the rule of law.

26. Noting that the Applicant cooperated with an OIOS investigation in May 2012, that she filed a complaint of harassment and abuse of authority against her FRO in July 2012, that she made a complaint to the Ethics Office for protection against retaliation in July 2012, which has yet to be entertained, and that the Respondent failed to provide reasons in his Reply as to why the decision not to renew her appointment is lawful, the Tribunal can only infer from the available evidence that the Contested Decision was motivated by countervailing circumstances and is therefore *prima facie unlawful*.

Particular Urgency

f a i l e d T r i u t

