



Before: Judge Goolam Meeran

Registry: New York

Registrar: Santiago Villalpando

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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JUDGMENT

ON APPLICATION FOR  
SUSPENSION OF ACTION

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Counsel for Applicant:  
George Irving

Counsel for Respondent:  
Sarahi Lim Baró, ALS/OHRM, UN Secretariat

Notice: This Judgment has been corrected in accordance with article 31 of the Rules of Procedure of the United Nations Dispute Tribunal.

## Introduction

1. On 26 August 2011, at 1:38 p.m., the applicant filed her application for





## Consideration

### *Time limit for the Dispute Tribunal to consider the application*

10. Under art. 13.2 of the Rules of Procedure of the Dispute Tribunal, the Tribunal “shall consider an application for interim measures within five working days of the service of the application on the respondent”. According to the Information Note to Parties Appearing before the United Nations Dispute Tribunal, the Registry closes for filing purpose, at 5 p.m. Since the application was only served on the Respondent after this hour, namely 5:22 p.m. (on Friday, 26 August 2011), the application is not considered as served on the Respondent before Monday, 29 August 2011. The time limit for the Tribunal to consider the case is therefore 10 September 2011, taking into account that 31 August and 5 September 2011 were official holidays at the United Nations Secretariat, New York.

### *Does the decision appear to be prima facie unlawful?*

11. The Applicant has to satisfy the test that the decision appears *prima facie* to be unlawful. In other words, does it appear to the Tribunal that, unless it is satisfactorily rebutted by evidence, the claim of unlawfulness will succeed? At this stage, the Applicant’s allegations are issues that are not adequately supported by evidence.

unlawfulness in relation to the only matter ~~that~~ to be considered, i.e., whether the Tribunal should order a suspension ~~of~~ the medical evaluation process.