

Introduction

1. On 10 October 2012 the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application for suspension of action, pending management evaluation, on the decision conveyed to her by letter dated 31 August 2012 in which she was identified as a staff member who could be affected by the special measures for reduction in workforce set out in an internal memorandum IOM/079-FOM/80/2012 (Special measures for reduction in international professional workforce as a result of the 2013 Annual Programme

5. The Applicant filed the application which forms the subject of the present judgment on 10 October 2012.

6. By Order No. 151 (GVA/2012) issued on 11 October 2012, the Applicant was instructed to provide a copy of her request for management evaluation and, on the following day, she submitted the requested document, which was dated 11 October 2012. As directed by the Tribunal, the Respondent filed his reply on 16 October 2012.

Parties' contentions

7. The Applicant's contentions are:

Prima facie unlawfulness

a. IOM/079-FOM/80/2012 was not submitted to the Joint Advisory Committee for its review and recommendations, as required by inter-office memorandum IOM/FOM No. 014/1990 (Joint Advisory Committee) issued on 15 February 1990;

b. The Secretary-General did not delegate authority to the High Commissioner to take the contested decision. Further, it is unclear whether the High Commissioner sought his comments or consulted him prior to

11. Article 2.2 of the Statute further provides :

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. ...

12. In order for the Tribunal to act upon an application for susMReBhvY-YyppFéRnBhç-(Hypv,R

Entered in the Register on this 17th day of October 2012

(Signed)

René M. Vargas M., Registrar, Geneva