
Case No.: UNDT/GVA/2014/010

Judgment No.: UNDT/2014/032

Date: 21 Ma !" 2014

Facts

1. On 16 April 2014 the Applicant filed a Petition for Relief Ass'tant (G)* in the United Nations Tribunal, and (UN, PA) filed an application contesting the decision to award the on-site work order to the respondent (UN, PA) dated 23 February 2013. The application was legislated under Case No. UNDT/GVA/2014/006.

2. Together with the application the Applicant filed a 7-point for 'interim measures' on 14 July 2014 seeking redress for the end of the lease agreement (PAD) in UN, PA. The Applicant requests the Tribunal to urgently interpose into the PAD to ensure the respondent to grant the application for relief UN, PA immediately. Considering that the respondent's motion deals with different matters than those raised in Case No. UNDT/GVA/2014/006 the Tribunal legislated it under Case No. UNDT/GVA/2014/010.

3. On 20 April 2014 the Applicant filed a 7-point for 'interim measures' including 'interim measures' as an addition to the motion for 'interim measures' as included in the file of Case No. UNDT/GVA/2014/10. The addition to the motion seeks the Tribunal to request UN, PA not to make the PAD agreement on-site until the UNDT has made a decision on the request to grant the application for relief UN, PA immediately.

Consideration

4. Pursuant to art. 22.3 of the Rules of Procedure the Dispute Tribunal shall decide on the admissibility of an application for 'interim measures'.

*. Considering its jurisdiction under art. 51 the Tribunal is not bound by art. 22 of the Rules of Procedure which is addressed to the respondent who is not a party to the case. The parties of a case are the Applicant and the respondent. Therefore in the instant case the Applicant as a party cannot file a motion for 'interim measures' on-site as a motion is only filed by a party to the case. Thus a motion is only filed by a party to the case.

6. *in addition* the Applicant's request to urgent review into the PAD is unnecessary. It is not the role of the Tribunal to review the merits of the decision. Article 2.1 of the Tribunal's Statute states that the Tribunal shall exercise its jurisdiction on an appeal from a decision of an administrative body or authority of the United Nations. It is not the role of the Tribunal to review the merits of an ongoing administrative process as the Applicant has requested on 14 July 2014 and 10 August 2014.

7. In regard to the Applicant's motion for interim measures the Tribunal notes that such interim measures are only issued in exceptional circumstances. (see article 10.2 of the Tribunal's Statute). In the present case the Tribunal declines to issue interim measures for the following reasons of Case No. UNDT/GVA/2014/10 are not closed and as a result the Applicant has no legal ground for an interim measure.

8. The issues discussed above are a matter of law and the Tribunal is not bound by the findings of the Administrative Tribunal (see Gehr 2013) UNAT)313; Christensen 2013) UNAT)33; see also Bofill UNDT/2013/141; Lee UNDT/2013/14). As such the Tribunal deems it appropriate to decline to issue interim measures. Judgment in the present case is not a precedent. Article 6 of the Rules of Procedure of the Tribunal may determine on its own initiative that summary judgment is appropriate.

