

REGISTRY'S SUMMARY¹: *S. Mohamudbucus, Applicant v. International Monetary Fund, Respondent*, IMFAT Order No. 2026-1 (March 31, 2026)

PROVISIONAL RELIEF – REQUIREMENTS – JUDICIAL NOTICE – ORAL PROCEEDINGS

Applicant, a former contractual employee of the Fund, challenged what Applicant described as the Fund's "decision not to reinstate the Applicant following her coerced resignation on October 11, 2024 and to enforce separation [of Applicant from the Fund] on 27 January 2025." While Applicant's employment contract provides for dispute resolution up to and including final and binding arbitration, Applicant contends that the arbitration clause included in her contract cannot displace the Tribunal's jurisdiction under Article II of the Tribunal's Statute.

In response to the Application, the Fund filed a motion for summary dismissal (the "Motion to Dismiss"), arguing that the Application was clearly inadmissible *ratione personae*, *ratione materiae*, and *ratione temporis*. In Applicant's Objection to the Fund's Motion to Dismiss, Applicant included in an annex a "Notice of Continuing Humanitarian Hardship and Request for Urgent Determination" (the "Notice"), to which the Fund subsequently responded.

While the Fund had no objection to three of Applicant's requests – the inclusion of Applicant's Notice in the official record, the request for expedited consideration of the Motion to Dismiss, and the confirmation that the request for provisional relief does not reopen the pleadings – the Fund opposed Applicant's three other requests. The Fund argued that the applicable requirements were not met for the Tribunal to grant provisional relief to Applicant, to take judicial notice of Applicant's alleged economic hardship, and to set an early schedule for oral proceedings.

As to Applicant's request for provisional relief, the Tribunal held that, in light of the Tribunal's Statute, the Commentary on the Statute, and the Tribunal's jurisprudence, three requirements had to be met for the Tribunal to grant provisional relief to a party.

The first requirement was that an international tribunal may not order provisional relief if the dispute *prima facie* appears to fall outside of the scope of the tribunal's jurisdiction. In the present case, since the issue of admissibility of the Application was at the heart of the Fund's Motion to Dismiss, the Tribunal held that it would not make any pronouncements on jurisdiction or admissibility prior to rendering a Judgment on the admissibility of the Application.

The second requirement was that the applicant must seek the suspension of a decision that is contested before the Tribunal. The Tribunal found that Applicant did not meet this

¹ This summary is provided by the Registry to assist in understanding the Tribunal's Order. It does not form part of the Order. The full Order of the Tribunal is the only authoritative text. The Tribunal's Orders are available at: www.imf.org/tribunal.

requirement. Instead of seeking the suspension of the contested decision, Applicant's request for interim relief was designed to obtain "interim subsistence relief" or "provisional subsistence assistance."

The third requirement was that the applicant must show that the requested measures are necessary, i.e., that he or she would suffer "irreparable harm" in the absence of the provisional relief that he or she seeks. In the present case, the damage alleged by Applicant was a loss of income as a result of her separation from the Fund, and the further damage that she alleged arose as a consequence, namely (i) the exhaustion of her credit facilities and having to borrow from family members; (ii) over 1,000 unsuccessful applications to other positions; (iii) the transfer of her child to a lower-cost school; (iv) the inability to cover the costs of utilities and her doctoral studies, and (v) the loss of access to certain medical appointments. The Tribunal found that Applicant's alleged damage was primarily economic and could be compensated in monetary terms, as suggested by the very measures sought by Applicant. In addition, the Tribunal considered that Applicant had failed to submit any documentation in support of her "humanitarian harm" allegations. The Tribunal concluded that while Applicant's alleged difficulties were unfortunate, they were not, even as alleged, irreparable within the meaning of the case law.

As to Applicant's request that the Tribunal take notice of her "humanitarian hardship," the Tribunal found that the doctrine of judicial notice had no application in the present case. The facts that Applicant referred to, i.e. the various kinds of harm that she alleged to have suffered, were not matters of "public notoriety" or "common" or "public knowledge," as required by the doctrine. The alleged facts were disputed by the other party and not supported by corroborating documentation.

As to Applicant's request that the Tribunal set an early schedule for oral proceedings, the Tribunal found that Applicant had not shown why such proceedings would be "useful" as required under Rule XIII of the Tribunal's Rules of Procedure. In the Tribunal's view, the issues raised in the Motion to Dismiss were limited in scope and primarily of a legal nature, and had been sufficiently briefed by the parties in writing.

Applicant's request for provisional relief, her request that the Tribunal "take judicial notice of [her] humanitarian hardship," and her request that the Tribunal "set an early hearing schedule" were therefore all denied.