

**ADMINISTRATIVE TRIBUNAL
OF THE
INTERNATIONAL MONETARY FUND**

Order No. 2026-1

March 31, 2026

S. Mohamudbucus, Applicant v. International Monetary Fund, Respondent

Office of the Registrar

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(Applicant’s Request for Provisional Relief and Other Requests)**

TABLE OF CONTENTS

INTRODUCTION: OVERVIEW OF THE APPLICATION AND PROCEDURAL BACKGROUND	1
PARTIES’ POSITIONS.....	2
A. Applicant’s position.....	2
B. Respondent’s position.....	4
CONSIDERATION OF APPLICANT’S REQUESTS	5
A. The agreed requests.....	5
B. Applicant’s request for provisional relief	6
(1) Jurisdiction over the contested decision	7
(2) Request to suspend a decision contested before the Tribunal.....	7
(3) A showing of irreparable harm to Applicant in the absence of provisional relief.....	8
C. Applicant’s request that the Tribunal “take judicial notice of the humanitarian hardship” that Applicant describes in Annex 33	9
D. Applicant’s request that the Tribunal “set an early hearing schedule”	10
ORDER.....	11

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INTRODUCTION: OVERVIEW OF THE APPLICATION AND PROCEDURAL BACKGROUND

1. In an Application dated, and filed on, July 10, 2025, 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."
2. 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.
3. In her Application, Applicant seeks as relief: (a) a finding that Applicant's resignation was coerced and amounted in law to a constructive termination of Applicant's appointment; (b) compensation for (i) lost salary, benefits, and associated entitlements; (ii) moral damages for harassment, retaliation, reputational and psychological harm; and (iii) denial of due process; (c) a declaration that a waiver signed only by Applicant is void; (d) the removal of any defamatory, false, or retaliatory material from Applicant's personnel file, with a written confirmation of such correction; (e) a recommendation that the Fund initiate an internal investigation and disciplinary proceedings in respect of the conduct of certain key actors involved in the coercion, harassment, and procedural irregularities in this case; and (f) reimbursement of all reasonable costs and expenses incurred by Applicant in pursuing this case.
4. On July 27, 2025, the Registrar requested Applicant to supplement her Application in accordance with Rule VII(6) of the Tribunal's Rules of Procedure.
5. On July 31, 2025, Applicant informed the Registrar that she would be represented by counsel in these proceedings.
6. On August 20, 2025, Applicant submitted a supplemented Application and stated, *inter alia*, that "[n]o request for anonymity is being made." On August 26, 2025, the Registrar made a further request to Applicant to supplement her Application, which she did on September 2, 2025.

7. On September 16, 2025, Applicant's supplemented Application was transmitted to the Fund pursuant to Rule VII(7) of the Tribunal's Rules of Procedure.
8. On September 22, 2025, pursuant to Rule IV(f) of the Tribunal's Rules of Procedure, the Registrar circulated within the Fund a notice summarizing the issues raised in the supplemented Application.
9. On October 16, 2025, the Fund filed a Motion for Summary Dismissal of the Application (the "Motion to Dismiss"), which the Registrar transmitted to Applicant on October 22, 2025.
10. On November 6 and 18, 2025, Applicant filed an Opposition to the Respondent's Motion to Dismiss (the "Objection to Motion to Dismiss"), including a "Notice of Continuing Humanitarian Hardship and Request for Urgent Determination" under Annex 33 to the Objection to Motion to Dismiss.
11. On November 26, 2025, the Registrar requested Applicant to supplement the Objection to Motion to Dismiss, which Applicant did on November 27, 2025.
12. On December 4, 2025, the Registrar requested Applicant to further supplement the Objection to Motion to Dismiss, which Applicant did on December 8, 2025. On December 9, 2025, Applicant's supplemented Objection to Motion to Dismiss was transmitted to the Fund. On the same date, the Fund was invited to comment on certain requests that Applicant made in her supplemented Objection to Motion to Dismiss, including Annex 33 thereto.
13. On December 23, 2025, the Fund filed its comments on the requests made by Applicant (the "Fund's Comments on Applicant's Request for Provisional Measures"). In its submission, the Fund noted that "Applicant has made no request for anonymity, to which the Fund would not object."¹ The Fund's Comments on Applicant's Request for Provisional Measures were transmitted to Applicant on the same date.

PARTIES' POSITIONS

A. Applicant's position

14. In Annex 33 to her Objection to Motion to Dismiss, Applicant requests that the Tribunal:
 1. Take judicial notice of the humanitarian hardship described herein and include this Annex in the official record;

¹ The Fund has not submitted any request for anonymity.

2. Expedite consideration of the Motion to Dismiss dated 22 October 2025 or, alternatively, set an early hearing schedule;
3. Exercise or recommend interim relief under Article XIV, including provisional subsistence assistance or a direction to the Fund to explore interim humanitarian measures pending judgment; and
4. Confirm that this filing does not reopen pleadings but supplements the factual record in the interest of fairness and effective access to justice.

15. Applicant describes her alleged “continuing humanitarian and financial hardship” situation and its consequences as summarized below.

16. First, Applicant remains unemployed since her separation from the Fund on January 27, 2025, while being the sole caregiver of an eight-year-old child. Second, all of her credit facilities are now exhausted, her credit score has deteriorated, and she depends on informal borrowing. Third, the employment applications she has submitted, of which there are over 1,000, have been unsuccessful, “largely due to reputational damage compounded by the Respondent’s public pleadings.” Fourth, Applicant had to transfer her child to a lower-cost school, which “disrupted his education and social adjustment.” Fifth, Applicant does not have access to medical appointments to deal with stress-related insomnia and anxiety. Sixth, although she “has managed to obtain limited part-time income, such earnings remain insufficient to meet essential expenses including university costs for her doctorate studies, utilities, and her dependent child’s education”, and she still needs her father to provide her with financial support. Seventh, the Fund’s withholding of an allegedly “mandatory certificate of service or recommendation letter” that Applicant claims she was entitled to receive, leads to a reasonable inference that the Fund’s action has impaired her professional reputation.

17. According to Applicant, the above “cumulative factors constitute irreparable harm directly resulting from the Fund’s coercive separation, premature access revocation,^[2] and sustained refusal to restore employment or provide a fair recommendation.”

18. Applicant argues that the legal basis for awarding her urgent relief is “Article XIV [of the Tribunal’s Statute]”, “Rule XIII(4) [of the Tribunal’s Rules of Procedure],”³ and the jurisprudence

² In her supplemented Application, Applicant alleges that on December 24, 2024, “[t]he Fund revoked access to IMF email, phone, laptop, and internal systems, foreclosing access to grievance mechanisms and evidentiary records prior to the effective resignation date.”

³ According to Applicant, “Article XIV empowers the Tribunal to grant ‘appropriate relief’ where delay would cause irreparable injury or continuing denial of process” and “Rule XIII(4) authorizes supplementary information to be filed ‘for clarification or in the interests of justice.’” (Emphasis removed.)

of international administrative tribunals, which in her view “recognize humanitarian hardship and dependent-child deprivation as bases for expedited or provisional measures.”

19. Applicant further alleges that if “interim or humanitarian assistance remain[s] unavailable, the Applicant reserves the right to notify relevant national or humanitarian authorities solely to secure essential support for herself and her child.”

B. Respondent’s position

20. Respondent opposes Applicant’s requests and summarizes its position as follows in its Comments on Applicant’s Request for Provisional Measures:

Applicant’s selection of this Tribunal as the forum for challenging their separation is fundamentally misplaced. The Tribunal’s authority is circumscribed by its governing statute and, in this instance, it lacks jurisdiction to entertain Applicant’s claims or to grant provisional relief. Even assuming, for the sake of argument, that jurisdiction could be established, Applicant’s request fails to connect to any specific Fund decision or action that is properly before the Tribunal as is required by the Tribunal’s Statute. Moreover, Applicant has not articulated a reasonable basis—nor provided any substantive explanation—for the assertion of “irreparable injury” that would warrant the extraordinary relief sought because economic loss does not constitute irreparable harm. To grant the requested substantive provisional remedies would, in effect, constitute an advance on any potential monetary damages, a result that runs counter to the statutory framework and would operate to the Fund’s detriment. Applicant’s submissions are further deficient in that they do not identify any jurisdictional or statutory foundation for the relief requested. Finally, the Tribunal is not empowered to take judicial notice of Applicant’s alleged economic hardship, and the record does not support the necessity of an oral hearing, as such proceedings would not meaningfully advance the Tribunal’s consideration of the Motion to Dismiss or the requests for provisional relief.

21. As to Applicant’s request that the Tribunal take judicial notice of her economic hardship, the Fund argues, on the basis of Black’s Law Dictionary’s definition,⁴ that the doctrine of judicial notice has no relevance here and its requirements are not met for the following reasons:

Applicant’s request for the Tribunal to take judicial notice of her alleged economic hardship is without bearing on the controversy before the Tribunal. Also, judicial notice is reserved for facts that are universally

⁴ The Fund relies on the definition provided here: https://blacks_law.en-academic.com/14644/judicial_notice.

established and not reasonably subject to dispute; it must be supported by credible testimony or documentation. Here, as discussed above, Applicant's claimed economic hardship does not rise to the level of irreparable harm contemplated by the drafters of the Tribunal's statute, and thus has no relevance to the question of provisional relief. . . . Applicant's alleged economic harm has not been established by common notoriety. Additionally, while this Tribunal has not had the opportunity to take judicial notice of a fact, other international administrative tribunal[s] have done so, mainly by taking judicial notice of previous findings the tribunal had made in related cases.

22. Lastly, in response to Applicant's request for "an early hearing schedule," the Funds argues that oral proceedings on the Motion to Dismiss (and/or the request for interim relief) would not be useful because the written record is sufficient to address the jurisdictional issues in dispute and it seems likely that Applicant would take advantage of the oral proceedings to address the merits of the case, as she has done in her Objection to Motion to Dismiss.

CONSIDERATION OF APPLICANT'S REQUESTS

A. The agreed requests

23. The Tribunal notes that several of Applicant's requests, which the Fund characterizes as "administrative requests," are agreed by the parties. In its Comments on Applicant's Request for Provisional Measures, the Fund states:

With respect to the administrative requests, the Fund raises no objection. The inclusion of Applicant's Annex 33 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 are matters of procedure, and the Fund acknowledges that the Tribunal did provide the Fund with the opportunity to respond to the requests accordingly.

24. The Tribunal confirms that Annex 33 is part of the record, that Applicant's request for provisional relief does not reopen the pleadings on the Fund's Motion to Dismiss, and that the Tribunal is endeavoring to rule on the Fund's Motion to Dismiss as expeditiously as possible. The Tribunal further confirms that it requires no further submissions from the parties to rule on the Motion to Dismiss.

25. Applicant's other requests will be addressed in the following order: (1) Applicant's request for interim relief; (2) her request that the Tribunal "take judicial notice of the humanitarian hardship" she describes in Annex 33; and (3) her request that the Tribunal "set an early hearing schedule" as an alternative to expediting consideration of the Fund's Motion to Dismiss.

B. Applicant’s request for provisional relief

26. Article VI, Section 4, of the Tribunal’s Statute provides as follows:

The filing of an application shall not have the effect of suspending the implementation of the decision contested.

27. The Commentary on Article VI, Section 4, of the Statute in turn provides:

Section 4 follows the principle applicable to other tribunals that the filing of an application does not stay the effectiveness of *the decision being challenged*. This is considered necessary for the efficient operation of the organization, so that the pendency of a case would not disrupt day-to-day administration or the effectiveness of disciplinary measures, including removal from the staff in termination cases. *This rule is also consistent with the principle, strictly applied in the employment context, that an aggrieved employee will not be granted a preliminary injunction unless he would suffer irreparable injury without the injunction. In this regard, courts are loath to conclude that an injury would be "irreparable," given the nature of the employment relationship and the possibility of compensatory relief if the employee ultimately succeeds in his claim.* With respect to potential cases where an applicant in G-4 visa status has been terminated and would otherwise be out of visa status under U.S. law pending the pursuit of administrative remedies and the outcome of his case before the tribunal, it would be preferable to address this as an administrative matter in the staff rules on leave. *Apart from this situation, it is difficult to envisage a situation in which the harm to an applicant, in the absence of interim measures, would be "irreparable," as that concept has been construed by the courts. Nevertheless, the statute would not preclude the tribunal from ordering such measures if warranted by the circumstances of a particular case.*⁵

28. In light of the above statutory provision and Commentary, the Tribunal has held that “[p]rovisional relief is an extraordinary measure that the Tribunal will order only in limited circumstances.”⁶

29. The Statute, its Commentary and the Tribunal’s case law suggest that three requirements have to be met for the Tribunal to grant provisional relief to a party. The first requirement has to do with the Tribunal’s jurisdiction. As the Tribunal stated in the *Ms. “PP”* case, “the possibility

⁵ Commentary on the Statute (the “Commentary”), pp. 26-27. (Footnote omitted.) (Emphasis added.)

⁶ *Ms. “PP”, Applicant v. International Monetary Fund, Respondent (Applicant's Request for Provisional Relief and Respondent's Motion to Dismiss in Part)*, IMFAT Order No. 2019-1 (October 10, 2019), para. 34. *See also Ms. “PP”, Applicant v. International Monetary Fund, Respondent (Applicant's Second Request for Provisional Relief)*, IMFAT Order No. 2020-1 (January 13, 2020), para. 16.

that the Tribunal does not have jurisdiction over the decision [Applicant] contests” is a potential obstacle “between Applicant and the extraordinary measure [he or] she seeks.”⁷ Second, the applicant must seek the suspension of a decision that is contested before the Tribunal.⁸ Third, 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.⁹

(1) Jurisdiction over the contested decision

30. The Fund argues that the Tribunal has no jurisdiction *ratione personae*, *ratione materiae* and *ratione temporis* in this case. It further argues that the Tribunal itself has recognized in dicta that it has no power to grant interim relief if it does not have jurisdiction.¹⁰

31. In the view of the Tribunal, it is a generally accepted principle that an international tribunal may not indicate or order provisional measures if the dispute *prima facie* appears to fall outside of the scope of the tribunal’s jurisdiction.¹¹ In other words, for an international court to have jurisdiction to indicate or order interim relief, “all that is required is that the Court does not patently and evidently lack jurisdiction” to rule on the dispute.¹²

32. In the present case, the Fund has filed a motion for summary dismissal arguing precisely that the Application is “clearly inadmissible,” pursuant to Rule XII(1) of the Tribunal’s Rules of Procedure. This issue being at the heart of the Fund’s Motion to Dismiss, the Tribunal shall not make any pronouncements on jurisdiction or admissibility prior to rendering a Judgment on the admissibility of the Application.

(2) Request to suspend a decision contested before the Tribunal

33. In the present case, Applicant is not seeking suspension of any decision that she contests in her Application. As recalled above, Applicant states in her Application that “[t]he decision challenged is the International Monetary Fund’s decision not to reinstate the Applicant following

⁷ Ms. “PP”, IMFAT Order No. 2019-1, para. 39.

⁸ Mr. “KK”, *Applicant v. International Monetary Fund, Respondent (Requests for Provisional Relief)*, IMFAT Order No. 2015-1 (November 13, 2015), paras. 6-7. See also Ms. “PP”, IMFAT Order No. 2019-1, para. 36; Ms. “PP”, IMFAT Order No. 2020-1, para. 13; Ms. “NN”, *Applicant v. International Monetary Fund, Respondent*, IMFAT Judgment No. 2017-2 (December 11, 2017), para. 13.

⁹ Mr. “LL”, *Applicant v. International Monetary Fund, Respondent (Suspension of the Pleadings and Denial of Provisional Relief)*, IMFAT Order No. 2016-1 (June 28, 2016), paras. 12-13; Ms. “NN”, IMFAT Judgment No. 2017-2, para. 13; Ms. “PP”, IMFAT Order No. 2019-1, paras. 36, 39; Ms. “PP”, IMFAT Order No. 2020-1, para. 17.

¹⁰ The Fund refers to Ms. “PP”, IMFAT Order No. 2019-1, para. 39.

¹¹ See *Nuclear Tests (Australia v. France)* (Interim Protection, Order, 22 June 1973) ICJ Reports (1973) 135, at p. 137, para. 14.

¹² *Barcozy Case* (1928) (Czech. Hung. M.A.T.), p. 65 (Transl.), quoted by Bin Cheng in *General Principles of Law as Applied by International Courts and Tribunals* (CUP 2006) (“Bin Cheng”), p. 272.

her coerced resignation on October 11, 2024 and to enforce separation [of Applicant from the Fund] on 27 January 2025.” Her request for interim relief is designed to obtain “interim subsistence relief” or “provisional subsistence assistance.” As the Fund argues, Applicant’s request is tantamount to asking for an “advance on any potential monetary damages.” Such requests have been denied by international tribunals because they “cannot be regarded as relating to the indication of measures of interim protection, but as designed to obtain an interim judgment in favour of a part of the claim formulated in the Application above mentioned.”¹³ No special circumstances have been shown in the present case that would require any departure from this analysis.

34. The second requirement for granting provisional relief – seeking the suspension of a contested decision – is therefore not met.

(3) A showing of irreparable harm to Applicant in the absence of provisional relief

35. Applicant must also meet “the essential requirement for provisional relief, which is to show that ‘irreparable harm’ will result in the absence of the relief [he or] she seeks.”¹⁴ In the present case, the damage alleged by Applicant is a loss of income as a result of her separation from the Fund, and the further damage that she alleges 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.¹⁵

36. The alleged damage does not amount to “irreparable injury” within the meaning of the Commentary on the Statute. As stated in the Commentary, “. . . courts are loath to conclude that an injury would be ‘irreparable,’ given the nature of the employment relationship and the possibility of compensatory relief if the employee ultimately succeeds in his claim.”¹⁶ Here, the alleged damage is primarily economic and could be compensated in monetary terms. The very measures sought by Applicant so suggest.¹⁷

37. Other than a screenshot of an overdraft account, Applicant has not submitted any documentation in support of her “humanitarian harm” allegations. Moreover, while Applicant states that she “remains unemployed since 27 January 2025,” she also indicates that she has obtained “limited part-time income.” Lastly, contrary to what Applicant contends, the Fund’s

¹³ *Case concerning the Factory at Chorzów (Indemnities)* (Order, 21 November 1927) PCIJ Series A No. 12, 10.

¹⁴ *Ms. “PP”*, IMFAT Order No. 2019-1, para. 39. *See also* the IMFAT cases cited in footnote 9 above.

¹⁵ *See* the Parties’ positions, Section A, above.

¹⁶ *See* paragraph 27 of the present Order.

¹⁷ As already noted above, Applicant seeks “interim subsistence relief” or “provisional subsistence assistance.”

pleadings are not public and therefore cannot have been the cause of any alleged reputational damage or any alleged aggravation thereof.¹⁸

38. Applicant's alleged difficulties are unfortunate, but they are not, even as alleged, irreparable within the meaning of the case law. In view of the above, Applicant has failed to show that the absence of the provisional relief she seeks would cause her irreparable damage pending the rendering of the Tribunal's Judgment. Therefore, Applicant's request that the Tribunal "[e]xercise or recommend interim relief under Article XIV, including provisional subsistence assistance or a direction to the Fund to explore interim humanitarian measures pending judgment for provisional relief" is denied.

C. Applicant's request that the Tribunal "take judicial notice of the humanitarian hardship" that Applicant describes in Annex 33

39. Applicant has not stated what in her view are the requirements for the Tribunal to take judicial notice of the "humanitarian hardship" she has reported in her submissions. Nor has she pointed the Tribunal to any decision or judgment of any international court or tribunal that addresses the doctrine.

40. According to Judge C.F. Amerasinghe, "the concept of judicial notice itself is clearly accepted in international procedure and is applied by tribunals including the ICJ."¹⁹ It is used when "no further evidence, whether to be produced by the parties or not, is required."²⁰ Such situation arises where "[f]acts which are of common knowledge or public notoriety need not be proved."²¹

41. The facts that Applicant refers to, i.e. the various kinds of harm that she alleges to have suffered, are not matters of "public notoriety" or "common" or "public knowledge."²² The alleged facts are disputed by the other party and not supported by corroborating documentation.

¹⁸ The Tribunal notes that while Applicant has made claims of reputational damage arising out of the alleged publication of pleadings, Applicant has elected not to request anonymity in this case.

¹⁹ C.F. Amerasinghe, *Evidence in International Litigation* (Martinus Nijhoff, 2005), p. 161.

²⁰ *Id.*, p. 188.

²¹ *Id.*, p. 189. See also Nina HB Jørgensen, "Judicial Notice", in *Max Planck Encyclopedia of Public International Law*, April 2022, para. 2; Bin Cheng, *op. cit.*, p. 303.

²² *East Timor (Portuguese Republic v. Australia)* (Judgment, 30 June 1995) (Dissenting Opinion of Judge Skubiszewski) ICJ Reports (1995) 90, at p. 252; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia)* (Provisional Measures, Order, 13 September 1993) (Separate Opinion of Judge Lauterpacht) ICJ Reports (1993) 325, at p. 423.

42. The Tribunal cannot but conclude that the doctrine of judicial notice has no application in the present case. Applicant's request that the Tribunal take "judicial notice of the humanitarian hardship described [in Annex 33]" is therefore denied.

D. Applicant's request that the Tribunal "set an early hearing schedule"

43. It is not clear whether Applicant is asking the Tribunal to hold oral proceedings on the Motion to Dismiss (and/or her request for interim relief). To the extent that Applicant is making such a request, Applicant has not shown why such proceedings would be "useful" as required under Rule XIII of the Tribunal's Rules of Procedure. The issues raised in the Motion to Dismiss are limited in scope and primarily of a legal nature, namely whether the Tribunal has jurisdiction *ratione personae*, *ratione materiae*, and *ratione temporis*. These issues have been sufficiently briefed by the parties in writing, which obviates the need for oral proceedings.

44. In view of the above, the Tribunal denies Applicant's request for holding oral proceedings on the Motion to Dismiss (and/or the request for interim relief) to the extent that such oral proceedings were requested by Applicant.

ORDER

For the reasons set out above:

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” are denied.

Nassib G. Ziadé, President

Deborah Thomas-Felix, Judge

Andrew K.C. Nyirenda, Judge

/s/

Nassib G. Ziadé, President

/s/

Paul Jean Le Cannu, Registrar

Washington, D.C.
March 31, 2026