



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

---

Judgment No. 2025-UNAT-1530

**Leonid Dolgoplov**  
**(Appellant)**

**v.**

**Secretary-General of the United Nations**  
**(Respondent)**

## **JUDGMENT**

---

Before:	Judge Leslie F. Forbang, Presiding Judge Gao Xiaoli Judge Abdelmohsen Sheha
Case No.:	2024-1929
Date of Decision:	21 March 2025
Date of Publication:	2 May 2025
Registrar:	Juliet E. Johnson

---

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Rupa Mitra

**JUDGE LESLIE F. FORBANG, PRESIDING.**

1. Mr. Leonid Dolgoplov filed an appeal against Judgment on Receivability No. UNDT/2024/023 issued by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) on 24 April 2024 (impugned Judgment) dismissing as not receivable Mr. Dolgoplov's application challenging "[t]wo negative decisions violating the duty of care and the obligation to protect staff members against discrimination".<sup>1</sup>

2. For the reasons that follow, we dismiss the appeal and affirm the impugned Judgment.

**Facts and Procedure**

3. Mr. Dolgoplov is a P-2 Associate Administrative Officer in the Client Support and Special Situations Section, Division for Special Activities, Department of Operational Support (DOS) in the United Nations Secretariat in New York.

4. By letter dated 5 January 2022, 37 staff members (complainants), including Mr. Dolgoplov, requested the Secretary-General's assistance in removal of the discriminatory restrictions imposed by the host country government on certain United Nations staff — nationals of Russia and G-4 visa holders, namely:<sup>2</sup>

- (a) Twenty-five miles radius travel restrictions from the Columbus Circle.
- (b) G-4 Visa renewal time of four months or longer compared to United Nations staff members nationals of other countries.
- (c) G-4 visa duration of one year or less compared to United Nations staff members nationals of other countries.
- (d) Humiliating procedures upon arrival to an airport: many Russian colleagues were escorted to the special US CBP (assumedly, referring to "Customs and Border Patrol") room, which is usually used to deal with people trying to enter the US illegally or suspected of having committed a crime.

---

<sup>1</sup> *Dolgoplov v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/023 (24 April 2024), para. 1.

<sup>2</sup> *Ibid.*, para. 7 (brackets and quotation marks omitted). See also Letter to the Secretary-General dated 5 January 2022: "Request for action by the United Nations on removing the discriminatory restrictions imposed by host country government on the UN staff — nationals of Russia" (appeal, annex 7).

5. On 7 February 2022, Mr. Dolgoplov sent a follow-up e-mail, copying the other complainants.<sup>3</sup>

6. On 8 February 2022, Mr. Dolgoplov and the other complainants were informed that the petition had been registered under number EOSG-2022-00032 and co-actioned to the Office of Legal Affairs (OLA) and DOS.<sup>4</sup>

7. On 26 May 2022, Mr. Dolgoplov was informed that the petition had been re-routed to the Department of Management Strategy, Policy and Compliance, Office of Human Resources (DMSPC-OHR) for action.<sup>5</sup>

8. On 15 August 2022, Mr. Dolgoplov received a message from the Director, Global Strategy and Policy Division, DMSPC-OHR (DGSPD/DMSPC-OHR) on behalf of the Assistant Secretary-General, OHR (ASG-OHR) stating that the Organization was aware of the issues raised and that there had been “active engagement with the relevant authorities on this issue including at the top levels. The Organization continues to work on this issue through the established structures and mechanisms that address such matters, including with staff representatives”.

9. In February 2023, Mr. Dolgoplov met with the Assistant Secretary-General for Support Operations (ASG-DOS) and the Head of Administration of the Office of the Under-Secretary-General for Support Operations (HoA-USG-DOS) regarding the petition.<sup>6</sup>

10. In March 2023, he met again with the HoA-USG-DOS and informed her that the Federal Bureau of Investigation (FBI) attempted to recruit him.<sup>7</sup>

11. On 31 March 2023, the HoA-USG-DOS informed him that she had referred his request to the Department for Safety and Security (DSS).<sup>8</sup>

---

<sup>3</sup> Impugned Judgment, para. 8.

<sup>4</sup> Management Evaluation Unit Response, MEU/205-23/R (JAF), 1 August 2023 (MEU Response), p. 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, p. 2.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

12. During the month of April 2023, Mr. Dolgoplov sent several follow-up e-mails to DOS regarding the petition and the FBI's attempt to recruit him.<sup>9</sup>

13. On 2 May 2023, the Special Assistant of the Under-Secretary-General responded, stating that his concerns had been referred to DSS and encouraged him to liaise with DSS.<sup>10</sup>

14. On 3, 5 and 9 May 2023, Mr. Dolgoplov wrote to the Deputy Secretary-General (DSG) and the Chef de Cabinet (CdC), requesting assistance and voicing concerns about retaliatory actions from the host country government which could include delays in the G-4 visa renewal, refusal to renew his G-4, provocation aimed to discredit him by fabricating a criminal case against him or even his "physical elimination" for reporting the FBI's attempt to recruit him.<sup>11</sup>

15. On 15 May 2023, Mr. Dolgoplov met with the ASG-OHR and ASG-DOS.

16. On 18 May 2023, the HoA-USG-DOS wrote to him stating:<sup>12</sup>

After discussions with EOSG, I am replying to your message to the DSG and CDC. Regarding the status of your visa, as mentioned to you this week by ASG Bутtenheim and ASG Lopez, the issue is being discussed with the host country at the most senior levels and OLA, DOS and DMSPC are continuously engaged on this matter – not only for Russian nationals but for staff of all nationalities facing the same issue of visa delays. We in DOS are also once again checking on the status of your visa through our own channels. Regarding your personal safety, as we had previously noted, if you have concerns about your safety you should be in touch directly with DSS. There is no mechanism outside of DSS through which to carry out investigations or provide personal protection. Additionally, from the limited information provided, we understand that DSS have not been able to establish any credible threat to you or your family. I'm sure DSS would be happy to re-engage with you should you have additional information or wish DSS to refer the matter to local law enforcement.

17. On 15 June 2023, Mr. Dolgoplov wrote to the DSG and the CdC to express his disagreement with the manner in which the Organization was responding to the issues raised in the petition sent to the Secretary-General on 5 January 2022 and the security issue he faced as a result of the FBI's attempt to recruit him.<sup>13</sup>

---

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Impugned Judgment, paras. 24-26.

<sup>12</sup> MEU Response, p. 3.

<sup>13</sup> *Ibid.*

18. On 13 July 2023, Mr. Dolgoplov filed a request for management evaluation of what he alleged were “[t]wo negative decisions violating the duty of care and the obligation to protect [a] staff member against discrimination”.<sup>14</sup>

19. By letter dated 1 August 2023, the Management Evaluation Unit responded to Mr. Dolgoplov advising that his request was not receivable as he had failed to identify an appealable administrative decision.<sup>15</sup>

20. On 12 September 2023, Mr. Dolgoplov filed an application before the UNDT, contesting the same two alleged administrative decisions.<sup>16</sup> Mr. Dolgoplov claimed that the policies of the host country, the United States of America, against staff members of Russian nationality were discriminatory and that the Secretary-General had failed to take any action to protect Mr. Dolgoplov from such policies.<sup>17</sup> Mr. Dolgoplov considered the failure of the Secretary-General to address these issues as the first contested decision. Mr. Dolgoplov further alleged that the law enforcement agency of the host country had attempted to recruit him as its agent against his country of nationality and that the Secretary-General had failed “to protect him in his residence and to safeguard the immunity of the Organization which is a shield for [Mr. Dolgoplov] against such abuse by the Host Country”.<sup>18</sup> This was the second contested decision.

21. On 3 October 2023, the Secretary-General filed a motion on receivability in which he challenged the receivability of the application and requested the UNDT to determine this as a preliminary issue.<sup>19</sup>

22. By Order No. 101 (NY/2023) dated 10 October 2023, the UNDT granted the Secretary-General’s motion to have the receivability of the application decided as a preliminary issue, suspended the deadline for the Secretary-General to file his reply in accordance with Article 10(1) of the UNDT Rules of Procedure until the issue of receivability had been determined, and ordered Mr. Dolgoplov to file a rejoinder responding to the Secretary-General’s submissions

---

<sup>14</sup> *Ibid.*, p. 1.

<sup>15</sup> MEU Response, p. 5.

<sup>16</sup> Impugned Judgment, para. 1.

<sup>17</sup> Application to the UNDT dated 12 September 2023, paras. 2 and 6.

<sup>18</sup> *Ibid.*, para. 3.

<sup>19</sup> Impugned Judgment, para. 2.

regarding the non-receivability of the application.<sup>20</sup> On 6 November 2023, Mr. Dolgoplov filed his response on the receivability of the application.<sup>21</sup>

23. On 4 April 2024, the UNDT held a case management discussion to discuss the further proceedings. Both Counsel confirmed that no further submissions were necessary for the UNDT to determine the issue of receivability.<sup>22</sup>

24. On 24 April 2024, the UNDT issued Judgment on Receivability No. UNDT/2024/023.

*The impugned Judgment*

25. The UNDT found that the first contested decision, which related to “visa processing, limitations on [Mr. Dolgoplov’s] travel to 25 miles around the United Nations headquarters, and the length of the visa granted to [Mr. Dolgoplov],” was not specifically addressed to Mr. Dolgoplov as an individual and therefore beyond the jurisdiction of the UNDT.<sup>23</sup> In addition, the UNDT held that the provisions of Secretary-General’s Bulletin ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority) could not be enforced against governments, and that the UNDT had no jurisdiction to adjudicate complaints against a host country’s government, including regarding visa policies.

26. With regard to the second contested decision, which related to the alleged “attempt by the law enforcement agency of the host country to recruit [Mr. Dolgoplov] as its agent against his country of nationality,” the UNDT held that it did not have jurisdiction “to adjudicate disputes that may arise between the United Nations and host countries, or between staff members of the United Nations and governments of host countries”.<sup>24</sup>

27. The UNDT found that “the contested decision [was] not an administrative decision which directly impact[ed] [Mr. Dolgoplov’s] terms and conditions of appointment or contract of his employment.”<sup>25</sup> The UNDT therefore dismissed the application for lack of receivability.<sup>26</sup>

---

<sup>20</sup> *Ibid.*, para. 3.

<sup>21</sup> *Ibid.*, para. 4.

<sup>22</sup> *Ibid.*, para. 6.

<sup>23</sup> *Ibid.*, para. 44.

<sup>24</sup> *Ibid.*, para. 49.

<sup>25</sup> *Ibid.*, para. 50.

<sup>26</sup> *Ibid.*, para. 52.

28. On 30 May 2024, Mr. Dolgoplov filed an appeal of the impugned Judgment, and on 29 July 2024, the Secretary-General filed his answer.

### **Submissions**

#### **Mr. Dolgoplov's Appeal**

29. Mr. Dolgoplov contends that the UNDT erred in law in its interpretation and application of the law regarding receivability *ratione materiae*. The UNDT incorrectly concluded that the contested decisions were not administrative decisions directly impacting Mr. Dolgoplov's terms of appointment or contract of employment. The UNDT's narrow interpretation of what constitutes an administrative decision is inconsistent with the jurisprudence of the Appeals Tribunal, which has held that an administrative decision is one that produces direct legal consequences affecting a staff member's terms and conditions of appointment. The Secretary-General's failure to address the discriminatory policies of the host country directly impacts Mr. Dolgoplov's terms of appointment and conditions of employment. The visa restrictions, travel limitations, and delays in visa processing imposed by the host country significantly affect his ability to perform his duties and well-being.

30. Mr. Dolgoplov claims that this continuous discrimination has led to feelings of being a "second-class" employee, causing undue stress and negatively impacting his health; a sense of vulnerability and lack of protection due to the Secretary-General's inaction in removing discriminatory restrictions, particularly given the Secretary-General's vocal stance on other forms of discrimination; a deterioration in memory and concentration due to the stressful situation, hindering Mr. Dolgoplov's ability to perform his duties adequately; difficulties in planning home leave and potential inability to travel for family emergencies due to visa renewal delays; and an inability to function with the necessary impartiality and independence as a United Nations staff member due to the lack of protection from the Organization.

31. Furthermore, the discriminatory visa restrictions imposed by the host country prevent Mr. Dolgoplov from enjoying the human rights, privileges, and immunities guaranteed to United Nations staff members under international law. This includes violations of Article 100 of the United Nations Charter, Article V of the 1946 Convention on Privileges and Immunities, Section 11 of the Headquarters Agreement, and Articles 2, 7, 13, and 23 of the Universal Declaration of Human Rights, and Articles 2, 12, and 26 of the

International Covenant on Civil and Political Rights. The Secretary-General's inaction in addressing these violations further compounds the breach of its obligations under international law, relevant General Assembly Resolutions, and the United Nations Staff Regulations and Rules.

32. Moreover, the UNDT erred in failing to review the complete legal framework applicable to this case, notably neglecting General Assembly resolution 77/114 adopted on 7 December 2022 which confirms that the Administration's reference to "policies of the host country government" constitutes a violation of applicable international law concerning the United Nations, its staff, and the host country's international obligations, obligates the Secretary-General, as Chief Administrative Officer of the Organization, to exercise due diligence in removing discriminatory restrictions imposed on United Nations staff based on nationality. This includes enhancing efforts and taking all pertinent steps, such as invoking arbitration under Section 21 of the Headquarters Agreement.

33. Annex 2 of Information Circular ST/AI/85/48 defines the restrictive measures imposed by the host country which the Secretary-General considers are not compatible with the international obligations of the United States, vis-à-vis the Organization, under the latter's Charter, under the Headquarters Agreement and under the Convention on the Privileges and Immunities of the United Nations, including discriminatory travel restrictions.

34. Mr. Dolgoplov submits that the Secretary-General has an obligation to ensure that international civil servants under his authority are protected against discrimination. The basis here is the United Nations Charter, the general principles of law and respect for human rights. The issue here is not only about delay in visa processing as the Secretary-General seems to imply; it is also about the limitation of travel by the Appellant to 25 miles around the United Nations Headquarters and the length of the visa granted. The Secretary-General has a clear obligation to ensure that all staff members of the Organization are treated equally, and he has failed in this regard. The provisions of the Staff Regulations and Rules, in particular Staff Regulation 1.1(c), clearly establish the obligation of the Secretary-General as the Chief Administrative Officer of the Organization to ensure that the rights and duties of staff members, as set out in the Charter and the Staff Regulations and Rules and in the relevant resolutions and decisions of the General Assembly, are respected, and therefore a violation of a staff member's conditions of employment at the United Nations. The negative decision of not doing anything to change such an abuse is therefore a receivable matter before the Appeals Tribunal. Mr. Dolgoplov claims that the



UNDT's reliance on precedents is misguided on grounds that the present case is factually distinguishable.

35. Turning to the alleged second "administrative decision", Mr. Dolgoplov submits that the Secretary-General's failure to protect him from the FBI's recruitment attempt also directly impacts his terms of appointment and conditions of employment. The safety and security of United Nations personnel is not merely a matter of organizational policy; it is a fundamental obligation anchored in international law and a critical prerequisite for successfully fulfilling the Organization's global mandate. The Secretary-General as the Chief Administrative Officer bears a paramount responsibility in safeguarding the well-being of staff, especially in the face of "potential malicious acts by member states hosting UN operations". This responsibility stems from both moral imperatives and legal obligations.

36. Mr. Dolgoplov avers that the UNDT's finding that DSS did not establish any credible threat to him or his family is also manifestly unreasonable. Mr. Dolgoplov attempted to provide detailed information about the FBI's recruitment attempt and expressed concerns about his safety. DSS's failure to conduct a thorough investigation and provide adequate protection to him is a breach of the Organization's duty of care. Mr. Dolgoplov contends that the absence of the necessary protection destroys his ability to function with the necessary impartiality and independence as a United Nations staff member and makes him feel vulnerable and unprotected, which critically affects his health and well-being.

37. Mr. Dolgoplov asks that the Appeals Tribunal hold an oral hearing. He asks that the Appeals Tribunal grant the appeal, reverse the impugned Judgment, remand the matter to the UNDT for consideration on the merits, and grant such other and further relief as the Appeals Tribunal deems just and equitable.

### **The Secretary-General's Answer**

38. The Secretary-General submits that the UNDT correctly dismissed Mr. Dolgoplov's claims regarding the first alleged "contested decision" as being not receivable. All of the UNDT's findings were consistent with the Appeals Tribunal's jurisprudence. None of the alleged negative effects that the alleged discriminatory host country policies and the alleged lack of protection from the Administration from such policies have had on him demonstrate that these were specifically addressed to him on an individualized basis. Moreover, none of these policies were the result of

the Administration's own decisions. While some of Mr. Dolgoplov's arguments are impermissibly almost a verbatim repetition taken from his UNDT application, others attempt to factually distinguish from the present case the cases relied on by the UNDT with no effect on the impugned Judgment. In other parts, Mr. Dolgoplov neglects to refer to the part of the impugned Judgment in which the UNDT allegedly made this finding, which it indeed did not make.

39. Turning to the claims regarding the alleged second "contested decision", the Secretary-General contends that again the UNDT correctly dismissed these as not receivable *ratione materiae*. The UNDT correctly found that it did not have "jurisdiction to adjudicate disputes that may arise between the United Nations and host countries, or between staff members of the United Nations and governments of host countries" and that, therefore the alleged second contested decision was "beyond the scope of [the UNDT's] jurisdiction". Accordingly, the UNDT correctly held that the application was not receivable. Indeed, Mr. Dolgoplov has not framed any administrative decision to challenge. The Administration was in the process of assessing his situation and his challenge was therefore premature in that regard. For this reason, too, the UNDT correctly dismissed the application as not receivable.

40. In addition, the Secretary-General submits that Mr. Dolgoplov mainly reargues the matter without any reference to any alleged error by the UNDT. It is clear that he disagrees with the rulings of the UNDT. Nevertheless, it is not enough for an appellant to disagree with the findings of fact or the conclusions of law made by the trial court. Rather, for an appeal to succeed, an appellant must persuade the Appeals Tribunal that the contested decision fulfils the objective criteria of its competence, as prescribed by Article 2(1) of the Appeals Tribunal Statute (Statute). In the present case, Mr. Dolgoplov has failed to make any such persuasive arguments. Where he specifically asserts that the UNDT erred as a matter of law, he fails to provide any support for the claim. Instead, he lists and quotes from a series of provisions from legal sources without providing any explanation as to how these quoted passages show any error on the part of the UNDT. To the extent that Mr. Dolgoplov claims that the UNDT also erred in finding that DSS had not established any credible threat to him or his family, he again has provided no citation to the impugned Judgment for this alleged finding, and in fact, the UNDT never made any such finding.

41. Consequently, the Secretary-General requests that the Appeals Tribunal affirm the impugned Judgment and dismiss the appeal in its entirety.

### Considerations

#### *Request for an Oral Hearing*

42. As a preliminary issue, we address Mr. Dolgoplov's request for an oral hearing before the Appeals Tribunal. He indicated "Yes" on the Appeal Form in response to the question whether an oral hearing is requested.<sup>27</sup> However, he failed to provide reasons for such request. Further, he neither makes mention of a request for an oral hearing in the reliefs he seeks nor did he offer any argument in support of that request before this Tribunal. In the same vein, the Secretary-General did not make submissions on Mr. Dolgoplov's request for an oral hearing.

43. In the absence of reason(s) for the request for an oral hearing or any submission for the grant or denial of such request before us, we are bound to disregard such a request. A request for an oral hearing is not granted as a matter of routine or course, but rather on a finding that an oral hearing would "assist in the expeditious and fair disposal of the case" as required by Article 8(3) of the Statute and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules). We do not find any such reasons here.

44. Accordingly, Mr. Dolgoplov's request for an oral hearing is denied.

#### *Merits*

45. Mr. Dolgoplov challenges "the discriminatory policies of the host country against staff members of Russian nationality and the Secretary-General's failure to take any action to protect him from such policies" (first contested decision). He further contests "the attempt by the law enforcement agency of the host country to recruit him as its agent against his country of nationality and the Secretary-General's failure to protect him in his residence and to safeguard the immunity of the Organization which is a shield for him against such abuse by the host country" (second contested decision). He argues that the UNDT erred in finding that his application was not receivable *ratione materiae*.

46. The Secretary-General argues that the UNDT correctly dismissed Mr. Dolgoplov's claim regarding the first and second contested decisions as being not receivable.

---

<sup>27</sup> Appeal Form, Section VI.

47. At issue in this appeal is thus whether the UNDT erred in its receivability analysis.

48. The threshold question in the present appeal is whether a staff member can contest the Secretary-General's failure to discharge his duty of care vis-à-vis the host country before the Tribunals of the internal justice system of the United Nations.

49. To answer this question, we refer to Article 2(1)(a) of the Dispute Tribunal Statute (UNDT Statute) which confers statutory jurisdiction on the UNDT to hear and pass judgment on an application by an individual against the Secretary-General "to appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or contract of employment". The terms "contract" and "terms of appointment" include all pertinent regulations and rules and all relevant administrative issuances in force at the time of the alleged non-compliance.

50. We have consistently defined an administrative decision subject to judicial review as:<sup>28</sup>

a unilateral decision taken by the administration in a precise individual case (individual administrative act), which produces direct legal consequences to the legal order. Thus, the administrative decision is distinguished from other administrative acts, such as having regulatory power (which are usually referred to as rules or regulations), as well as from those not having direct legal consequences. Administrative decisions are therefore characterized by the fact that they are taken by the Administration, they are unilateral and of individual application, and they carry direct legal consequences.

51. As gleaned from the definition above, the key characteristics of an administrative decision subject to judicial review are that it is (i) taken by the Administration, (ii) unilaterally on (iii) an individual application, and lastly, (iv) it carries direct legal consequences.

52. In order to successfully establish that the UNDT erroneously found the contested decisions not receivable *ratione materiae*, Mr. Dolgoplov bears the burden of proving that the Secretary-General's failures to address both the discriminatory policies of the host country and the alleged attempt of the public authorities of that host country to recruit him constituted unilateral decisions taken by the Administration, which applied to him individually, and had direct legal

---

<sup>28</sup> *Reid v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-563, para. 32, citing former Administrative Tribunal Judgment No. 1157, *Andronov* (2003), para. V; *Terragnolo v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-517, para. 31; *Lee v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-481, para. 48; *Gehr v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-475, paras. 16-17.

consequences on his terms of appointment or contract of employment. We do not think such is the case here.

53. It is important to emphasize that Mr. Dolgoplov was not contesting the alleged discriminatory measures of the host country *per se*. As we held in another UNAT Judgment concerning visa restrictions imposed by the host country on Mr. Dolgoplov, such measures are not reviewable as they are not part of the terms of his contract with the Organization, and any decision not to permit him to sue the host country government about those restrictions did not have direct legal consequences on his contract of employment.<sup>29</sup> Rather, here, Mr. Dolgoplov is contesting the Secretary-General's failure to discharge his duty of care towards him for issues related to the measures imposed by the host country. This is a different issue.

54. Indeed, Staff Regulation 1.1(f) provides:<sup>30</sup>

The privileges and immunities enjoyed by the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization.

55. Further, Staff Regulation 1.2(c) provides:<sup>31</sup>

Staff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of the United Nations. In exercising this authority the Secretary-General shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them.

56. In the same vein, Staff Regulation 1.2(d) reads:<sup>32</sup>

In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other source external to the Organization.

57. This Tribunal has also recognized a duty of care on the part of the Organization towards its staff members.<sup>33</sup> In *Claude Cahn*, we ruled that:<sup>34</sup>

---

<sup>29</sup> *Leonid Dolgoplov v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1093, para. 41.

<sup>30</sup> Secretary-General's Bulletin ST/SGB/2018/1/Rev.2 (Staff Regulations and Rules of the United Nations).

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *McKay v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-287/Corr.1, para. 33.

<sup>34</sup> *Claude Cahn v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1329, para. 38.

the Administration of the Organization has a duty of care to ensure a harmonious work environment and protect staff members from harm by way of, *inter alia*, taking appropriate preventive and remedial measures in each specific case. This duty is an inherent part of the employment relationship and a fundamental condition of service and must be fulfilled by the Administration with due diligence and without delay.

58. Indeed, we concede that the Secretary-General as the Chief Administrative Officer of the Organization has a duty of care towards its staff members regardless of their nationality in accordance with established international standards, in a manner that protects not only their safety and security, but also their impartiality and independence that are firmly associated with their immunities as international civil servants. However, the exercise of such duty of care vis-à-vis the host country or any other Member State involves necessarily executive or political considerations that make the Secretary-General's preferred course of action a policy decision which is not subject to judicial review by the UNDT or the UNAT.<sup>35</sup> This includes the circumstances of the present case.

59. Therefore, the main issue in the present case was not, as the UNDT contended in respect of the first contested decision, whether the contested decision is of individual or general application. The allegations raised by Mr. Dolgoplov against the first and the second contested decisions clearly suggest a potential dispute between a staff member and the host country or between the United Nations and the host country. Such disputes are outside the jurisdiction of the Dispute and the Appeals Tribunals.

60. We agree therefore with the outcome of the impugned Judgment that Mr. Dolgoplov's claim is beyond the scope of the Dispute Tribunal's jurisdiction. The issues he raised fall within the realm of diplomacy, are subject to the rules of public international law, and are thus related to policy decisions that cannot be subject to judicial review.

61. Consequently, we find that the UNDT did not err in concluding that the application challenging the contested decisions was not receivable *ratione materiae*.

---

<sup>35</sup> *Kozul-Wright v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-843, paras. 62-64.

**Judgment**

62. Mr. Dolgoplov's appeal is dismissed, and Judgment No. UNDT/2024/023 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 21<sup>st</sup> day of March 2025 in Nairobi, Kenya.

*(Signed)*

Judge Forbang, Presiding

*(Signed)*

Judge Gao

*(Signed)*

Judge Sheha

Judgment published and entered into the Register on this 2<sup>nd</sup> day of May 2025 in New York, United States.

*(Signed)*

Juliet E. Johnson,  
Registrar