



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1727

Leopold Camille Yodjeu Ntemde

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 479 (2022)

1. On 15 July 2022, Mr. Ntemde filed an application with the United Nations Dispute Tribunal (UNDT). The UNDT was unclear about Mr. Ntemde's entitlement to make the application and about what administrative decision of the Secretary-General he was challenging. On 9 August 2022, by Order No. 074 (NY/2022), the UNDT directed Mr. Ntemde to identify the decision(s) he wished to challenge and to provide his employment status at the United Nations, currently and at the time of the contested decision(s). On 10 August 2022, Mr. Ntemde filed a response to Order No. 074 (NY/2022) along with a request for interim measures and, thereafter, filed additional submissions.

2. On 7 September 2022 the United Nations Dispute Tribunal (UNDT) in New York issued Judgment No. UNDT/2022/078, in the matter of *Ntemde v Secretary-General of the United Nations*. It found that (i) Mr. Ntemde's submissions did not provide the information requested in Order No. 074 (NY/2022); (ii) there was no evidence before it that an offer of employment had been issued to him or that the Administration had undertaken to conclude a contract for his recruitment such that he could be regarded as having been extended the protection of the United Nations' system for the administration of justice; and (iii) while Mr. Ntemde's submissions indicated that he had been selected for an Administrative Assistant position at the G-5 level, "he had not completed a range of other 'pre-recruitment formalities,'" and thus the UNDT was unable to determine what decision was being contested. Accordingly, the UNDT dismissed the application as not being receivable. On the same date, he filed an appeal of the judgment with the Appeals Tribunal.

3. On 15 September 2022, Mr. Ntemde filed a motion for interim measures with the UNAT. In the motion, he requests the same three interim measures he had requested from the UNDT in his 10 August 2022 submission: (i) to travel to New York for an oral hearing of his case; (ii) the delivery of UN ‘Laissez-Passers’ (UNLPs) to him and his family; and (iii) to transfer his case to the “Mediation Division” to resolve the issuance of the UNLPs.

4. On 7 October 2022, the Secretary-General filed his comments. The Secretary-General submits that Mr. Ntemde has failed to provide any relevant justification for his request (citing only an unsubstantiated urgency in connection with the schooling of his children). Granting any of the measures requested in the motion would be clearly inconsistent with the UNDT Judgment, which dismissed his application.

5. Article 9(4) of the UNAT Statute provides that “[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”. These are cumulative criteria that must be established before the Appeals Tribunal can grant temporary relief.

6. The request for temporary relief is denied. There is insufficient evidence that the Appellant would be subject to “irreparable harm”. There is no evidence on record to support a finding that Mr. Ntemde and his family are eligible for UNLPs, or that otherwise justice would be denied. In addition, the relief requested is the same relief denied by the UNDT in its Judgment; therefore, granting the requested relief would be inconsistent with its Judgment. To grant the order would be to allow the appeal collaterally. The case fails to satisfy the requirements of temporary relief set out in Article 9(4) of the UNAT Statute.

7. The motion is dismissed.

IT IS HEREBY ORDERED that Mr. Ntemde’s “Motion for Interim Measures” pending proceedings is **DENIED**.

Original and Authoritative Version: English

Dated this 18th day of October 2022
in New York, United States.

(Signed)
Judge Graeme Colgan,
Judge President

Order published and entered in the Register on this
18th day of October 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar