



Before: Judge Teresa Bravo
Registry: Geneva
Registrar: René M. Vargas M.

CHERNEVA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**SUMMARY JUDGMENT
ON RECEIVABILITY**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
N/A

Introduction

1. By application filed on 31 January 2020, the Applicant contests her non-selection in 2014 and in 2015 to four different positions within the Office of the United Nations High Commissioner for Human Rights (“OHCHR”).

Consideration

Preliminary observation

2. Pursuant to art. 8.4 of the Tribunal’s Rules of Procedure, the Registrar “shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate” after ascertaining that the application complies with articles 8.1 and 8.3 of said Rules. Also, under art. 10 of the Tribunal’s Rules of procedure, the Respondent shall have 30 calendar days to submit a reply.

3. The Tribunal has, on several occasions, considered matters of receivability on a priority basis without first serving the application on the Respondent or awaiting the Respondent’s reply (see *Hunter* UNDT/2012/036, *Milich* UNDT/2013/007, *Masykanova* UNDT/2013/033, *Kalpokas Tari* UNDT/2013/180, *Karambizi* UNDT/2018/001, *Madi* UNDT/2018/006, *Nwogu* UNDT/2018/041 and *Morales* UNDT/2019/158).

4. After a review of the application and its supporting documents, the Tribunal deems that the present matter can be determined on a priority basis without first transmitting a copy of the application to the Respondent for a reply.

Receivability

5. The issue arising for consideration is the receivability of the present application. In *Christensen* 2013-UNAT-335, the United Nations Appeals Tribunal (“the Appeals Tribunal”) held that “the UNDT is competent to review its own competence or jurisdiction in accordance with Article 2(6) of its Statute” when determining the receivability of an application. The Appeals Tribunal wrote that:

This competence can be exercised even if the parties of the administrative authorities do not raise the issue, because it constitutes a matter of law and the Statute prevents the UNDT from receiving a case which is actually non-receivable.

6. The Tribunal has, accordingly, chosen to proceed by way of a judgment on receivability as it is competent to raise the issue of jurisdiction *sua sponte*.

7. The Applicant contests four decisions taken in 2014 and 2015 concerning her non-selection to four different positions at OHCHR, namely those advertised under Job Opening No. 15-HRI-OHCHR-40485-R-Geneva (R), Vacancy Announcement No. 15-OHCHR-056-Geneva, Temporary Vacancy Announcement No. 14-149-GVA and Temporary Position 14-OHCHR-165-Geneva. The Applicant claims, *inter alia*, that the Administration failed to afford full and fair consideration to her candidacies.

8. The Tribunal has reviewed the present application and finds that it is not receivable *ratione temporis*.

9. The Tribunal notes that while the Applicant contests four decisions that took place in 2014 and 2015, she only filed an application with the Tribunal in January 2020, that is around five years later.

10. The record shows that the Applicant requested management evaluation of the contested decisions on 30 January 2020. She received a response on 31 January 2020 informing her that her request was time-barred. The same day, she filed the present application before the Tribunal.

11. In accordance with art. 8.4 of the Tribunal's Statute and art. 7.6 of its Rules of Procedure, an application shall not be receivable if it is filed more than three years after an applicant's receipt of the contested administrative decision. The Applicant in this case clearly indicated in her application that the contested decisions date to 2014 and 2015. Consequently, her application is not receivable *ratione temporis*.

Conclusion

12. In view of the foregoing, the Tribunal DECIDES:

To reject the application as irreceivable.

(Signed)

Judge Teresa Bravo

Dated this 26th day of May 2020

Entered in the Register on this 26th day of May 2020

(Signed)

René M. Vargas M., Registrar, Geneva