



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/025
Judgment No.: UNDT/2025/038
Date: 26 June 2025
Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

TAGHAVI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

SUMMARY JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

UNHCR

Introduction

1. The Applicant, a former staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application contesting the decision of the Inspector General’s Office (“IGO”) to close his complaint against his immediate supervisor for alleged misconduct.

2. For the reasons stated below, the Tribunal finds that the present application is not receivable.

Facts

3. The Applicant served as a Driver at the UNHCR Shiraz Field Office in Iran.

4. According to the Applicant, throughout his tenure at UNHCR and, particularly, in three separate incidents that occurred between 30 June 2024 and 18 July 2024, he was subjected to “direct threats, abuse of authority, and degrading treatment by [his] immediate supervisor”, Ms. B.M. The Applicant filed a complaint with the IGO in this respect.

5. On 5 May 2025, IGO informed the Applicant that his complaint against his immediate supervisor “was assessed as not meeting the threshold of *prima facie* misconduct” and was, therefore, closed.

6. On 14 March 2025, the Medical Section Board of UNHCR declared the Applicant “unfit to work” and placed him on sick leave as of 30th October 2024.

7. On 1 April 2025, the Applicant was separated from service.

8. On 10 April 2025, the United Nations Staff Pension Committee (“UNSPC”) determined that the Applicant was incapacitated for further service and consequently entitled to a disability benefit.

9. On 24 May 2025, the Applicant filed an incomplete application before this Tribunal.

10. On 26 May 2025, the Registry requested additional information from the Applicant to complete his application, including a copy of the contested decision he seeks to challenge, a copy of his request for management evaluation, and a copy of the response to his request, if any.

11. On 28 May 2025, the Applicant requested a management evaluation of the contested decision.

12. On 3 June 2025, the Applicant filed an amended application.

Consideration

13. According to art. 9 of its Rules of Procedure, the Tribunal may determine, on its own initiative, that summary judgment is appropriate.

14. Under the jurisprudence of the Appeals Tribunal, summary judgment is a proper procedure for the Dispute Tribunal to adopt in order to determine “whether an application is receivable or not since the issue in such circumstances is one of law and not fact”. The summary judgment procedure allows the Dispute Tribunal to determine the issue “without receiving any argument or evidence from the parties because the UNDT Statute prevents the Dispute Tribunal from receiving a case which is not receivable” (see *APP* 2023-UNAT-1391, para. 27; *Auda* 2017-UNAT-740, para. 18; *Kazazi* 2015-UNAT-557, paras. 41-42). The issue raised in the instant case, that is, the admissibility of the application, is such a matter of law.

15. Article 8.1(c) and (d) of the Tribunal’s Statute states that an application shall be receivable if:

(c) An applicant has previously submitted the contested administrative decision for management evaluation, where required; and

(d) The application is filed within the following deadlines:

(i) In cases where a management evaluation of the contested decision is required:

a. Within 90 calendar days of the applicant's receipt of the response by management to his or her submission; or

b. Within 90 calendar days of the expiry of the relevant response period for the management evaluation if no response to the request was provided. The response period shall be 30 calendar days after the submission of the decision to management evaluation for disputes arising at Headquarters and 45 calendar days for other offices.

16. In *Planas* UNDT/2009/070, para. 14, the Tribunal held:

[I]n terms of receivability of an application before the Tribunal it is not sufficient merely to initiate the management evaluation procedure. *Applicants have to await, in general, the outcome of this administrative review before they may submit an application to the Tribunal. Only when no response to a request for management evaluation is provided within the time limits of article 8.1(d)(i)(b), a direct application to the Tribunal is receivable.* A “response” in that sense is characterized by a decision from the Management Evaluation Unit[.] (emphasis added)

17. In his initial application filed on 24 May 2025, the Applicant did not submit a copy of his management evaluation request or its outcome. The Registry contacted the Applicant and instructed him, *inter alia*, to complete the application in this respect.

18. The Applicant then proceeded to request management evaluation of the contested decision on 28 May 2025; thus, after the application was filed.

19. The Deputy High Commissioner, UNHCR, has 45 days to issue a response to the management evaluation request, as provided by staff rule 11.2(d). On 2 June 2025, the Applicant amended his application with a copy of the management evaluation request, but, understandably, with no response.

20. It thus follows that, by the time the Applicant completed his application in the instant case, the period for the Organization to respond to his management evaluation request was, and still is, running.

21. Therefore, the Tribunal finds that, at this point in time, the application is premature and not receivable.

22. Notwithstanding the above, the Tribunal underlines that the Applicant retains the right to file another application once he either receives the outcome of the management evaluation or when no response to his request is provided within the time limits of art. 8.1(d)(i)(b) of the Tribunal's Statute.

Conclusion

23. In view of the foregoing, the Tribunal DECIDES to reject the application as not receivable.

(Signé)

Judge Sun Xiangzhuang

Dated this 26th day of June 2025

Entered in the Register on this 26th day of June 2025

(Signed)

Liliana López Bello, Registrar, Geneva