



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/045

Judgment No.: UNDT/2025/075

Date: 9 October 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:

Louis-Philippe Lapicerella, UNHCR

Introduction

1. The Applicant, a former staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Shiraz, Iran, contests the decision not to open an investigation in relation to his complaint of 18 March 2025 against his former supervisor.

2. For the reasons set out below, the Tribunal decides to reject the application.

Facts

3. On 11 July 2022, the Applicant joined UNHCR as a Driver in Shiraz, Iran.

4. On 5 March 2025, the Applicant filed a first complaint with the UNHCR’s Inspector General’s Office (“IGO”) on a different matter to the one subject in the instant case.

5. On 14 March 2025, the UNHCR Medical Section Board confirmed that the Applicant, who had been on sick leave since 30 October 2024, had been deemed unfit to work. He was further informed that his case would be presented for a disability determination.

6. On 18 March 2025, the Applicant filed a second complaint with IGO, alleging misconduct by the Administrative Associate in Shiraz, his supervisor.

7. On 25 March 2025, IGO informed the Applicant that it had decided to close both of his complaints dated 5 and 18 March 2025, as “the preliminary assessment concluded that the matter does not meet the threshold of constituting potential misconduct”. IGO further advised him that the matters he reported fell outside its mandate.

8. On 31 March and 14 April 2025, the Applicant followed up with IGO, asking them about the status of his complaint.

9. On 10 April 2025, the United Nations Joint Staff Pension Fund (“UNJSPF”) confirmed that the Applicant had been deemed incapacitated for further service and was consequently entitled to a disability benefit under art. 33 of the UNJSPF Regulations.

10. On 23 April and 5 May 2025, IGO answered the Applicant, reiterating that the matters he raised in his complaints were outside the IGO’s mandate, and that said complaints had been closed.

11. On 12 May 2025, the Applicant separated from service after being granted a disability benefit.

12. On 28 May 2025, the Applicant requested management evaluation of the IGO’s decision not to open an investigation in relation to his complaint of 18 March 2025 against his former supervisor.

13. On 8 July 2025, the Applicant received the outcome of his request for management evaluation. The UNHCR Deputy High Commissioner concluded, *inter alia*, that the Applicant’s request was time-barred and not receivable *ratione temporis*.

14. On 15 July 2025, the Applicant filed the present application contesting the decision indicated in para. 1 above.

15. On 29 July 2025, the Respondent filed a motion for summary judgment.

16. On 2 August 2025, the Applicant filed his response to the Respondent’s motion, and on 12 August 2025, he filed a supplementary submission.

Consideration

The Respondent’s motion

17. Article 9 of the Tribunal’s Rules of Procedure provides that “[a] party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgment is appropriate”.

18. Based on the above and the parties' submissions, the Tribunal hereby grants the Respondent's motion to determine receivability as a preliminary issue and decides to dispose of the present matter by way of summary judgment (see *Auda*, 2017-UNAT-740, para. 18; *Kazazi* 2015-UNAT-557, para. 41; *Gehr* 2013-UNAT-313, para. 23; *Cherneva* UNDT/2018/081, para. 7; *Cherneva* UNDT/2020/074, paras. 5-6 and *Cherneva* UNDT/2021/003, para. 3).

Receivability

19. It is well established that the receivability of an application constitutes a condition *sine qua non* for the Tribunal's exercise of judicial review.

20. The Respondent contends that the application is not receivable *ratione materiae* on the ground that the Applicant failed to submit a timely request for management evaluation of the impugned decision.

21. Pursuant to art. 8.1 (c) of the Tribunal's Statute, an application is receivable if an "applicant has previously submitted the contested administrative decision for management evaluation, where required".

22. In this respect, staff rule 11.2(c) provides that a request for management evaluation shall not be receivable "unless it is sent within 60 calendar days from the date on which the staff member received notification of the administration decision to be contested".

23. Furthermore, the Appeals Tribunal has consistently held that "time limits in the context of the administration of justice in the United Nations' internal justice system must be observed and strictly enforced" (see *Kazazi*, para.38; *Lolo Mkhabela* 2022-UNAT-1289, para. 34), and that the Dispute Tribunal may only review decisions that have been the subject of a timely request for management evaluation (see *Khan* 2022-UNAT-1284, para. 52).

24. The evidence on record shows that, on 25 March 2025, IGO informed the Applicant of the decision not to open an investigation in relation to his 18 March 2025 complaint. However, the Applicant only requested management

evaluation of this decision on 28 May 2025, which is 64 days later, and thus beyond the time limit provided for in staff rule 11.2(c).

25. To justify the delayed submission of his request for management evaluation, the Applicant indicates that during the relevant period he was “coping with the trauma of the incident..., navigating complex medical evaluations, administrative processes for disability benefit, and the profound personal impact of losing [his] career and health”. He acknowledges the delay but states that it was “unintentional, stemming from administrative confusion and lack of legal guidance.”

26. While the Tribunal understands the Applicant’s situation, pursuant to art. 8.3 of its Statute, the Tribunal lacks jurisdiction to “suspend or waive deadlines for management evaluation” (see *Diallo* 2019-UNAT-936, para. 27 and *Khan* 2015-UNAT-559, para. 25). It thus follows that the Applicant’s request for management evaluation was time-barred.

27. The Tribunal further notes that, upon the Applicant’s request for clarification, IGO recalled its 25 March 2025 decision not to open an investigation in subsequent emails of 23 April and 5 May 2025. However, the Tribunal finds that those emails are merely reiterations of the contested decision and do not reset the deadline for filing a management evaluation request.

28. Consequently, the Tribunal finds that since the Applicant’s request for management evaluation was time-barred, his present application is not receivable *ratione materiae*.

Conclusion

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

(Signed)

Judge Sun Xiangzhuang

Dated this 9th day of October 2025

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Entered in the Register on this 9th day of October 2025

(Signed)

Liliana López Bello, Registrar, Geneva