



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/082
Order No.: 130 (GVA/2025)
Date: 20 November 2025
Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

PEREIRA CARNEIRO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Chenayi Mutuma, UNHCR
Anna Mildenberger, UNHCR

Introduction

1. By application filed on 11 November 2025, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), requests suspension of action, pending management evaluation, of the decision not to appoint him to the position of Protection Officer in Kharkiv, Ukraine (“the Position”). This is the contested decision.

2. The application for suspension of action was served on the Respondent, who filed his reply on 17 November 2025.

Facts

3. On 1 March 2004, the Applicant joined UNHCR as a staff member. In the context of the One-Time Review for the Granting of Indefinite Appointments, his appointment was converted to an Indefinite Appointment without undertaking effective 30 June 2009 (the “indefinite appointment”). The Applicant served at various duty stations, until his last regular assignment ended on 31 December 2023. Following this, effective 1 January 2024, he was converted to Staff in Between Assignments (“SIBA”) status but continued to perform temporary functions until 25 January 2024, following which he was placed on Special Leave With Full Pay (“SLWFP”). The Applicant served on a temporary assignment from 9 September 2024 to 30 June 2025. He was later placed on SLWFP again, effective 1 July 2025.

4. On 12 June 2025, the Position was advertised in the Bi-Annual 2025 Compendium as position No. 33058661.

5. The Applicant applied for the Position.

6. By a UNHCR Broadcast of 2 October 2025 entitled “Summary of Decisions on Assignments and Appointment – Ref. No. 07/2025”, the Applicant was informed of the decision to appoint another staff member (“the selected candidate”) to the Position.

7. On 8 October 2025, the selected candidate received a communication from the Division of People Management (“DPM”) regarding her reassignment to the Position, informing her, *inter alia*, that “the arrangements necessary to [her] assignment travel should be initiated as soon as possible”.
8. On 17 October 2025, the Applicant filed a request for management evaluation of the contested decision.
9. On 10 November 2025, the selected candidate arrived in Kharkiv and reported to the office.
10. Effective 11 November 2025, following an extension of his SLWFP by utilizing accrued annual leave, the Applicant was placed on subsidized Special Leave Without Pay (“SLWOP”).

Consideration

11. Art. 2.2 of the Tribunal’s Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. These three requirements are cumulative. In other words, all of them must be met for a suspension of action to be granted. Furthermore, the burden of proof rests on the Applicant.
12. The Respondent argues, *inter alia*, that the application is not receivable because the contested decision has already been implemented.
13. Indeed, the evidence on record shows that the selected candidate was informed of her selection for the Position on 2 October 2025. The Administration then sent her further information on 8 October 2025 regarding the administrative arrangements for her reassignment, including travel and medical clearance. Subsequently, the selected candidate assumed the position and reported for duty in Kharkiv on 10 November 2025.

14. The Tribunal, therefore, finds that by the time the Applicant filed the present application on 11 November 2025, the contested decision had already been implemented.

15. The Tribunal recalls that art. 2.2 of its Statute prevents it from passing judgment on an application seeking suspension of a decision that has already been implemented. An application for suspension of action serves only to preserve the *status quo*, not reverse it.

16. It thus follows that there is nothing to suspend at this stage and the application for suspension of action is not receivable.

Conclusion

17. In view of the foregoing, the application for suspension of action pending management evaluation is dismissed.

(Signed)

Judge Sun Xiangzhuang

Dated this 20th day of November 2025

Entered in the Register on this 20th day of November 2025

(Signed)

Liliana López Bello, Registrar, Geneva