



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/146
Order No.: 256 (NBI/2025)
Date: 4 December 2025
Original: English

Before: Sean Wallace
Registry: Nairobi
Registrar: Wanda L. Carter

AHMADI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
UNOG

Introduction

1. The Applicant is a P-3 Administrative Officer with the United Nations Office of the High Commissioner for Human Rights (“OHCHR”).
2. At 11 p.m. (Nairobi time) on 2 December 2025, he filed this application for suspension of action (“SOA”) requesting to suspend a 28 November 2025 decision by OHCHR not to renew his fixed-term contract beyond 30 November 2025 pending management evaluation (“the contested decision”).

Facts

3. Following the 2024-2025 performance management and development cycle, the Applicant was rated “Partially meets performance expectations” and was placed on a Performance Improvement Plan (“PIP”).
4. The Applicant contested the evaluation through a formal rebuttal process, but the rebuttal panel maintained the “Partially meets performance expectations” rating.
5. On 1 November 2025, the Applicant’s appointment was extended until 30 November 2025 for the purpose of completing the PIP.
6. On 28 November 2025, the OHCHR Human Resources Management Section issued the contested decision in the following terms.

On 1 November 2025, your fixed-term appointment was extended until 30 November 2025 for the purpose of the completion of your Performance Improvement Plan.

It has been determined that the performance improvement plan did not yield the necessary improvement.

It is further noted that, as you are aware, the rebuttal process for the performance cycle 2024-2025 has been completed and the panel decided to maintain the rating of “partially meets performance expectations.”

In view of the above, it has been decided that your appointment will not be extended for unsatisfactory performance beyond its current expiry date of 30 November 2025, in accordance with Section 10.5 of ST/AI/2021/4/Rev.1 (*Performance Management and Development System*).

Considerations

7. Under art. 2.2 of the Tribunal's Statute and art. 13.1 of the Rules of Procedure, the Tribunal may 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 requirements are cumulative, and the Dispute Tribunal can suspend the implementation of the contested decision only if all three have been met.

8. The Applicant argues that he was notified of the contested decision "on 28 November 2025 at 19:30 while I was on certified medical sick leave" and that this late issuance "48 hours before expiry violates the requirement for reasonable notice under UN jurisprudence." However, the 28 November 2025 letter was merely a reiteration of the 1 November 2025 decision to extend the Applicant's fixed-term appointment until 30 November 2025 for the purposes of completing the PIP.

9. This application fails because the contested decision was implemented on 30 November 2025, two days before his application to suspend the implementation. The jurisprudence is clear that a suspension of action can only be granted if the administrative decision has not been implemented. *Mills-Aryee* UNDT/2011/051, paras. 17-18. See, *inter alia*, *Abdalla* Order No. 4 (GVA/2010); *Neault* Order No. 6 (GVA/2011).

10. Additionally, the Tribunal notes that the Applicant says that he requested management evaluation "on 29 November 2021 and 2 December 2025". However, he did not attach these management evaluation requests to his application. What he did attach was a letter dated 30 November 2025 to the Chief OHRM-OHCHR, wherein he says, *inter alia*, "to prepare my management evaluation request, I kindly request that HRMS provide the full documentation relevant to this decision." At the very least, this calls into question the veracity of his claim to have requested management evaluation the previous day.

Conclusion

11. The application for suspension of action pending management evaluation is
DISMISSED.

(Signed)

Judge Sean Wallace

Dated this 4th day of December 2025

Entered in the Register on this 4th day of December 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi