



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2026/003
Order No.: 33 (NBI/2026)
Date: 30 January 2026
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

KARAKHANYAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
FOR INTERIM MEASURES PENDING
PROCEEDINGS**

Counsel for Applicant:

Self represented

Counsel for Respondent:

Zuzana Kovalova, UNHCR

Jan Schrankel, UNHCR

Introduction

1. The Applicant holds an indefinite appointment at the P4 level with the United Nations High Commissioner for Refugees (UNHCR). She is on Special Assignment/Interim Posting Before Assignment (SIBA) status, and before that she served as a Senior Protection Officer.

Procedural History

2. On 9 December 2025, the Applicant filed a substantive application - UNDT/NBI/2025/160 - challenging the Respondent's decision to not shortlist her for a Senior Protection Officer position in Chisinau and disregarding her status as a staff member with an indefinite contract on SIBA. While on SIBA, she has been on Special Leave with Full Pay (SLWFP).

3. The Respondent's reply to that application is pending.

4. On 12 January 2026, the Applicant filed the subject motion of the present order for

a. Order, as an interim measure, the extension of the Applicant's Special Leave With Full Pay (SLWFP) for the duration of the pendency of these proceedings or until final judgment in the case number: UNDT/NBI/2025/160;

b. Direct the Administration to refrain from placing the Applicant on Special Leave Without Pay (SLWOP) while the case is under judicial consideration.

5. The Respondent filed his reply to the motion for interim measures, and argues that the application is not receivable. He also moves the Tribunal to dismiss the motion on its merits.

Considerations

6. The Dispute Tribunal's authority is governed by its Statute and article 10.2 of that Statute provides that "at any time during the proceedings, the Dispute Tribunal may order an interim measure...." The introductory qualifier to this authority ("during the proceedings") requires that there be an ongoing substantive

application. *Corcoran*, UNDT/2009/071, para. 35.; *Utkina*, UNDT/2009/096 para. 31; and *Igbinedion*, UNDT/2011/110 paras. 22-24. As stated succinctly in *Nor* Order no. 157 (NBI/2024), para. 6

[i]n essence, these articles require the filing of a substantive application challenging a given administrative decision before an applicant can come before the Tribunal with a motion for interim measures during the proceedings. In the absence of a substantive application, an applicant has no standing to file a motion for interim measures.

7. In this case, the Applicant challenges the decision to convert her SLWFP to subsidized SLWOP. She has not filed a related substantive application challenging that decision on the merits.

8. As noted above, the Applicant does have a pending substantive application challenging her non-selection for a vacant post. However, that is not the same decision she seeks to have suspended in her motion for interim measures.¹ This prevents the Tribunal from considering her motion. *Wagner* Order No. 152 (GVA/2025), para. 6 (“the decision, which the Applicant seeks to suspend by her [...] motion for interim measures, is [...] an entirely different administrative decision, which is not under appeal in the present case. Accordingly, the Tribunal does not have jurisdiction to entertain the motion, which is therefore not receivable and to be dismissed.”)

9. Additionally, the Applicant in this case has not requested management evaluation of either of the decision to convert her SLWFP to subsidized SLWOP she seeks to challenge. Her substantive application before the Tribunal concerns non-selection for various positions. She has also not sought management evaluation of the decision to place her on subsidised special leave without pay within the terms of UNHCR’s Recruitment and Assignments Policy.

10. Staff rule 11.2(a) stipulates that

¹ The Tribunal notes that amongst the remedies requested the substantive non-selection case is a request to extend her Special Leave with Full Pay until the case is heard and determined. However, that requested remedy does not alter the contested decision.

(a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.

11. Similarly, art. 8.1(c) of the UNDT Statute provides that an application is receivable if “[a]n applicant has previously submitted the contested administrative decision for management evaluation, where required”. Where an applicant has failed to file the statutorily required request for management evaluation, the Dispute Tribunal lacks jurisdiction over the case *ratione materiae*. *Servas* 2013-UNAT-349, paras. 21-22; *Monarawila* 2016-UNAT-694, para. 34.

12. The Tribunal therefore cannot move forward with her motion for interim measure because the Applicant has not fulfilled the mandatory requirement stipulated in arts. 10.2 and 8.1 of the UNDT Statute and staff rule 11.2(b).

ORDER

13. The Application for interim measures is DISMISSED as not receivable.

(Signed)

Judge Sean Wallace

Dated this 30th day of January 2026

Entered in the Register on this 30th day of January 2026

(Signed)

Wanda L. Carter, Registrar, Nairobi