



**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

AHMED

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON SUSPENSION OF ACTION  
PENDING MANAGEMENT  
EVALUATION**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
UNICEF

## **Introduction**

1. The Applicant, a former staff member of the United Nations Children’s Fund (“UNICEF”), is seeking suspension of the decision to “bar [him] [from] reemployment in UNICEF as well as employment in [the] UN system”. The Tribunal finds the application is not receivable because the Applicant is not appealing an administrative decision that is related to his former employment with UNICEF and because he has failed to seek management evaluation of the contested decision.

## **Consideration**

2. The Applicant’s fixed-term appointment with UNICEF expired in March 2018 following the abolishment of his post and he was separated. Since his separation, the Applicant has applied to numerous posts in UNICEF, so far, unsuccessfully. The Applicant contends that UNICEF’s senior management has barred him from reemployment. He provides extensive detail of the circumstances of his separation and subsequent contacts with UNICEF staff and management regarding his efforts to secure new employment with the Organization.

3. Having reviewed the Applicant’s contentions, the Tribunal finds that the Application is not receivable *ratione personae* as well as *ratione materiae*.

### *Receivability ratione personae*

4. Under art. 3.1(b) of the Statute of the Dispute Tribunal, the Tribunal is competent to hear applications filed by former staff members of the United Nations, including the separately administered funds and programs.

5. The Appeals Tribunal clarified that a former staff member has standing to contest an administrative decision concerning him or her only if the facts giving rise to his or her complaint arose or flowed from his or her employment. There needs to be sufficient nexus between the former employment and the impugned decision (*Shkurtaj* 2011-UNAT-148, para. 29).

6. In the present case, the Applicant contests an alleged decision to bar him from future employment with UNICEF. Therefore, the contested decision is unrelated to the Applicant's former employment with UNICEF, which ended in March 2018, following the abolishment of the post he encumbered. The Dispute Tribunal therefore, does not have jurisdiction to consider the present application for suspension of action of the contested decision.

*Receivability ratione materiae*

7. Under art. 2.2 of the Dispute 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.

8. The Applicant states that he has not sought management evaluation of the contested decision. The application is not receivable as the Tribunal would be unable to order the suspension of the contested decision during the management evaluation period.

**Conclusion**

9. In light of the foregoing, the present application for suspension of action is rejected as not receivable.

*(Signed)*

Judge Joelle Adda

Dated this 23<sup>rd</sup> day of October 2019