



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/042
Order No.: 079 (NY/2022)
Date: 24 August 2022
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Pallavi Sekhri, Officer-in-Charge

YODJEU NTEMDE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON APPLICATION FOR SUSPENSION
OF ACTION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:

Introduction

1. On 23 August 2022, the Applicant filed an application for suspension of action pending management evaluation of the decision by United Nations Office of Staff Legal Assistance of 18 August 2022 to deny the Applicant's request for legal assistance on the basis that the Applicant has never been a staff member of the UN system.

Consideration

Receivability *ratione personae*

2. The Tribunal notes that pursuant to art. 3.1 of the Dispute Tribunal's Statute, access to the Tribunal is limited to staff members and, under certain conditions, former staff members and persons making claims in the name of an incapacitated or deceased staff member.

3. Staff regulation 4.1 provides that a person only becomes a United Nations staff member after they are issued a letter of appointment. However, it is jurisprudentially established that, under certain circumstances, a person who has not yet been issued a letter of appointment is entitled to seek recourse within the internal justice system, provided that he/she satisfied all the conditions of an offer of appointment (*Gabaldon*, 2011-UNAT-120).

4. Applying the above to the instant case, the Tribunal finds that the Applicant does not meet the criteria which would entitle him to seek recourse within the internal justice system.

5. In this case, the Applicant is not a staff member. The Applicant's submissions do not establish that an offer of employment had been issued and the Applicant does not provide any evidence that he is entitled to contract-based rights with a view to employment as a staff member within the Organization. The Administration did not undertake to conclude a contract for the recruitment of the Applicant as a staff member

and can thus not be regarded as having extended to him the protection of its administration of justice system.

6. Thus, the Tribunal finds the application is not receivable *ratione personae*.

7. Since the application is not receivable it is not necessary to address the three cumulative conditions to grant a suspension of action.

IT IS ORDERED THAT:

8. In light of the above, the Tribunal orders that the application for suspension of action is rejected.

(Signed)

Judge Joelle Adda

Dated this 24th day of August 2022