



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2022-1727

**Leopold Camille Yodjeu Ntemde**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**Order No. 487 (2022)**

1. On 18 October 2022, the UNAT issued Order No. 479 (2022) declining Mr. Ntemde's application for interim orders pending the hearing and decision of his appeal against the UNDT Judgment issued on 7 September 2022 declining relief on the grounds of non-receivability.
2. On 20 October 2022, Mr. Ntemde filed a further motion essentially seeking the same interim relief but attempting to provide more evidence of the urgency of and necessity for the orders. He again seeks orders allowing him and his children to travel to New York, and for UN "Laissez Passer" documents to be issued to permit their travel and entry into the United States of America.
3. In determining this second motion, I rely on the decision and reasoning set out in Order No. 479 (2022).
4. While Mr. Ntemde has attempted, in his 261 pages of supporting materials, to reinforce his grounds establishing irreparable harm which he says would be caused if such orders are not made immediately, there was, in addition to that of inadequate evidence on which the UNAT decided his first motion, an additional statutory ground which underpinned the refusal of the first motion leading to that first Order (No. 479) of 18 October 2022.

5. Under Article 9(4) of the UNAT Statute, an applicant must establish that any interim order will “maintain consistency with the UNDT’s Judgment”. It requires, in effect, that any interim order will maintain the *status quo* established by the UNDT’s Judgment. That UNDT Judgment said that, based in part on Mr Ntemde’s failure to establish that he was or is a UN staff member and its conclusion that he does not hold that status, his appeal to the UNDT was unreceivable.

6. As I concluded in paragraph 6 of the Order 479 of 18 October 2022, to grant the orders sought would not maintain consistency with the UNDT’s Judgment, a statutory requirement of making any orders such as are sought again. Indeed, to accede to Mr. Ntemde’s motion would have the opposite effect: it would be inconsistent with the UNDT’s Judgment. That conclusion applies as much to the present motion as it did to the earlier motion.

7. For these reasons, the UNAT is without jurisdiction to grant the orders sought and the motion must be and is dismissed. I recommend Mr. Ntemde to take legal advice about his situation if the nature and effect of these two Orders are unclear to him.

**IT IS HEREBY ORDERED** that Mr. Ntemde’s second “Motion for Interim Measures” pending proceedings is **DENIED**.

Original and Authoritative Version: English

Dated this 26<sup>th</sup> day of October 2022 in New York,  
United States.

*(Signed)*  
Judge Graeme Colgan,  
President

Order published and entered in the Register on this  
26<sup>th</sup> day of October 2022 in New York, United States.

*(Signed)*  
Juliet Johnson,  
Registrar