



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/041  
Order No.: 078 (NY/2022)  
Date: 23 August 2022  
Original: English

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

YODJEU NTEMDE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON APPLICATION FOR SUSPENSION  
OF ACTION**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**

## **Introduction**

1. On 17 August 2022 at 9:30 p.m., the Applicant filed an application for suspension of action pending management evaluation of what he presents as a decision: a screenshot from Inspira, entitled 21-ADM-DOS-161206-J-NEW YORK (O) “Administrative Assistant, G5: Not Suitable”, and mentioning “you have provided the below as an estimated date you anticipate being able to report for duty at the Organization. This date is only indicative of your availability and does not guarantee your start date, as your appointment is subject to satisfactory completion of several pre-recruitment formalities including but not limited to medical clearance, reference verification and visa/work permit”.

2. By email of 22 August 2022, the Registry of New York instructed the Applicant that “[p]lease provide further details about your current employment with the United Nations, including your current position, department and your UN index number and the description of the exact administrative decision you challenge by 9:00 a.m., Tuesday, 23 August 2022.”

3. On 22 August 2022, the Applicant sent the Registry an email setting out a number of comments. In the Applicant’s email, he did not confirm his status as a staff member and, about his UN index number, he responded that he had not yet one, and specified “I wish to answer you that the question of the attribution of my United Nation Index Number is part of the dispute when I am impatient to demonstrate before the United Nations Dispute Tribunal that I should have already had my United Nation Index Number”.

## **Consideration**

4. 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.

5. 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 (*Gabalton*, 2011-UNAT-120).

6. 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.

7. 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.

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

9. 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:

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

*(Signed)*

Judge Joelle Adda

Dated this 23<sup>rd</sup> day of August 2022