



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2023/066

Order No.: 73 (GVA/2025)

Date: 27 June 2025

Original: English

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**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** Liliana López Bello

MELBIKSIS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Marietta Hristovski, UNHCR

Jan Schrankel, UNHCR

## **Introduction**

1. By Order No. 25 (GVA/2024) dated 26 March 2025, the Tribunal ordered (a) the Applicant to file a rejoinder on the Respondent's reply by 25 April 2024, and (b) the parties to inform the Tribunal on their efforts to resolve the dispute amicably by 2 May 2024.

2. On 25 April 2024, the Applicant filed the rejoinder.

3. On 2 May 2024, the Applicant filed a response on informal resolution, informing that "the Respondent has decided not to pursue any possibility for an amicable resolution".

## **Consideration**

### *Scope of the application*

4. From the application, it follows that the Applicant contests the refusal of the Inspector General's Office ("IGO") of the Office of the United Nations High Commissioner for Refugees ("UNHCR") to open investigations into his "reports to IGO concerning to individuals who as UNHCR staff had breached the rules" of 31 May and 2 June 2023. In his management evaluation request dated 24 August 2023, the Applicant stated the reference numbers for the complaints as COM-23-1143 and COM-23-0614, respectively. In his additional submission pursuant to the Tribunal's instruction via CCMS notification, the Applicant submitted his email correspondences with IGO which included the reference numbers for his complaints as COM-23-0614, COM-23-1143 and COM-23-1215.

5. In the reply, the Respondent, however, submits that the Applicant is also contesting the IGO's refusal to investigate a third report of 15 March 2023. The Respondent notes that the 15 March 2023 complaint had the reference number COM-23-0614 (the same as the 2 June 2023 complaint according to the management evaluation request), whereas the 31 May 2023 and 2 June 2023 complaints had the reference numbers of COM-23-1215 and COM-23-1143, respectively.

6. Accordingly, unless the Applicant submits otherwise, the Tribunal accepts that the application also concerns the 15 March 2023 complaint, even if he did not state this explicitly therein or in his 24 August 2023 management evaluation request.

*The Applicant's three complaints to IGO regarding possible misconduct*

7. In the Applicant's 15 March 2023 complaint to IGO, he filed a complaint against the UNHCR Regional Representative in the duty station where the Applicant worked. In this 15 March 2023 complaint, the Applicant requested an investigation into:

- a. A "letter of intent" from the UNHCR Regional Representative concerning a reclassification of the Applicant's former position with UNHCR; the UNHCR Regional Representative's subsequent decision to reclassify the position; and the failure to hold the UNHCR Regional Representative responsible for the alleged error in doing so and his possible aversion against the Applicant;
- b. The UNHCR Regional Representative's decision to appoint CB (name redacted for privacy reasons) to serve as a "P4 [R]egional [O]fficer" and as the Applicant's "supervisor"; and
- c. The UNHCR Regional Representative's (i) decision on "selectable holidays" without consulting with the staff, (ii) demanding "extensive written reports" causing stress, (iii) maintaining "key position vacant for prolonged period, including P4 comms officer", (iv) possible breach of "branding rules" on business cards, (v) moving the office to a location "without functioning telephones and internet" and a "proper security check", (vi) "elusive" answers to the Applicant's request for "possibilities to get another position in the office in 2020 as [his] contract was expiring and position was cut by the end of 2019 ... although [his] P2 [communications] colleague moved to Geneva [headquarters] in November 2019", (vii) rejection of the Applicant's candidacy for this colleague's former position based on his gender and then leaving the post vacant, (viii) emails of January 2020 in which he wrote the

Applicant “in an aggressive tone that [he had] to set an autoreply to [his] email stating that [he did] not work at the office anymore”.

8. In the Applicant’s 31 May 2023 complaint, he stated that:

My complaint concerns the behaviour of [DB, name redacted for privacy reasons] in 2020. I had applied for [Special Leave Without Pay, “SLWOP”], and before the application I was informed by her that it [is] possible to get SLWOP for up to 6 months. I applied for 3 months initially, and SLWOP started in January 2020. In late February I started to realize that I would need an extension. However, when I applied, [DB] refused to approve my application. Even after I showed her previous emails where 6 months were mentioned, she continued to refuse to approve the extension. I asked [Office of Staff Legal Assistance, “OSLA”] for help, and at that point I already started getting emails and documents concerning the upcoming separation. This created tremendous stress. After the involvement of OSLA and an application to [the Dispute Tribunal] the administration suddenly changed its mind and the extension was approved. However, the fact remains that [DB was] refusing to do the right thing and gave me gravely erroneous explanation. In my understanding this amounts to abuse of power and workplace harassment, as well as gross negligence. It is possible that [DB] was instructed to act in this manner, but I do not know by whom. Please kindly investigate this case in which a UNHCR staff member by her actions harmed the reputation of UNHCR.

9. In the Applicant’s 2 June 2023 complaint, he stated that:

I would like you to investigate actions that were taken by [ZS, name redacted for privacy reasons], UNHCR staff member, in January-February 2018. According to what I know, [ZS] is still working at UNHCR, more specifically the regional office in Budapest.

In 2018 he was senior regional communications officer (P4) in UNHCR office in Stockholm and my supervisor - I was P2 communications officer.

On January 15, 2018, upon arriving to the office in the morning I was immediately called into a room with [ZS] and acting regional representative [WB, name redacted for privacy reasons]. They informed me that my contract which was about to expire by 30 January would not be extended. The resources would be needed allocated elsewhere, namely new offices in Riga and Tallinn. Worth to note, such offices were never opened. As a courtesy, they would offer me a temporary assignment covering February, but that would be the end of it. I asked if they had a negative view on my performance and that would be the justification of this sudden

decision, but they said—no, absolutely not, they just need to restructure the regional office.

I turned to Ombudsman's office and after some time this decision was reversed and my contract was extended. But the waiting time created enormous stress and psychological disturbances, also [ZS] took the chance to destroy the work that I had been doing, for example, by simply cancelling the hiring of one consultant which was almost done. Also, the separation process was already started, I was getting emails and paperwork regarding this, which I found rather insulting.

Moreover, when I returned to the office after my leave in February, [ZS and WB] called me into a room again. I had in a phone conversation with [WB and] said that their actions have destroyed my trust in them as leaders and they would need to work to rebuild our relationship when I return to the office. Instead, [ZS and WB] announced that I would be put on a performance improvement plan. For the sake of peace, I accepted this plan, but later an OSLA lawyer confirmed what I saw from the start—the plan was basically made up, and it was written in a manner not consistent with the rules.

I kindly ask IGO to investigate this, as this is clearly a breach of rules, it is clearly abuse of power. I never saw [ZS] getting any repercussions of what he did, and I think it is wrong. This should be corrected.

### *Receivability*

10. To begin with, the Tribunal reserves the right to address the issue of receivability in its forthcoming judgment.

11. For the Tribunal to assess the Respondent's non-receivability contentions and the scope of the 26 June 2020 settlement agreement, it therefore needs to review MER1 and MER2 and any possible responses thereto aside from the 26 June 2020 settlement agreement. None of these documents have, however, been submitted in evidence. The Respondent will therefore be ordered to do so.

### **Conclusion**

12. In view of the foregoing, it is ORDERED THAT:

- a. By **Friday, 4 July 2025**, the Respondent is to file MER1 and MER2 and any possible responses thereto aside from the 26 June 2020 settlement agreement;

b. By **Friday, 11 July 2025**, the Applicant is to file a submission in which he is to: (i) confirm whether he also wishes to appeal against IGO's rejection of his Applicant's 15 March 2023 complaint, and (ii) file his comments, if any, to the Respondent's 3 July 2025 submission; and

c. Upon the filing of the abovementioned, unless otherwise ordered, the Tribunal will proceed to adjudicate the matters before it in the present case.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 27<sup>th</sup> day of June 2025

Entered in the Register on this 27<sup>th</sup> day of June 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva