

UNDT/2021/101, Cherneva

UNAT Held or UNDT Pronouncements

The present matter can be determined on a priority basis without first transmitting a copy of the application to the Respondent for a reply as provided for in art. 8.4 of the Tribunal's Rules of Procedure. There is no nexus between the Applicant's former employment and the contested decision. Accordingly, the Applicant does not have standing and the application is not receivable *ratione personae*. Having filed the application pending the response of the management evaluation and prior to the expiry of the relevant response period, the Tribunal is not competent to hear the matter at issue. The Application is thus also not receivable *ratione temporis*.

Decision Contested or Judgment/Order Appealed

The Applicant contests her non-selection for a position of special procedure mandate holder in the Working Group of Experts on People of African Descent, member from Eastern European States, with the United Nations Human Rights Council.

Legal Principle(s)

A former staff member has standing to contest an administrative decision before the Tribunal only if there is a sufficient nexus between the former employment and the contested decision.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Cherneva

Entity

UNICEF

Case Number(s)

UNDT/GVA/2021/46

Tribunal

UNDT

Registry

Geneva

Date of Judgement

22 Aug 2021

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

GA Resolutions

- A/RES/66/237
- A/RES/67/241

UNDT RoP

- Article 8.4
- Article 9

UNDT Statute

- Article 2.1
- Article 3.1(b)
- Article 8.1(d)(i)