

# **2023-UNAT-1379, Leopold Camille Yodjeu Ntemde**

## **UNAT Held or UNDT Pronouncements**

The UNAT considered three appeals by the applicant.

The UNAT found that the impugned Order was an interlocutory order and was obviously beyond the competence of the UNAT.

The UNAT held that the applicant had not submitted documents to prove being a United Nations staff member and that he had no legal standing before the UNDT. The UNAT noted that there was no evidence of an offer of appointment having been issued to him for either post. Second, he failed to complete the pre-recruitment formalities for both posts. Third, he failed to confirm, within a reasonable time, his interest and availability for the consultancy. Lastly, consultants are not staff members of the United Nations.

The UNAT was of the view that the applicant has deliberately flouted UNAT orders, filed exceedingly extensive, gratuitously insulting and irrelevant documents constituting scurrilous personal attacks on numerous officials of the United Nations, and submitted potentially defamatory comments against the Judges of the UNDT and the UNAT and the Registrar. The UNAT found that his activity constituted an abuse of the CCMS and abuse of process.

The UNAT dismissed the appeals and affirmed Judgment Nos. UNDT/2022/078 and UNDT/2023/073; instructed the applicant to refrain from using the CCMS and the United Nations internal justice system and refrain from all outside communication with the Judges and Registries of the Tribunals; and instructed the Registrar to disregard all correspondence from him.

## **Decision Contested or Judgment/Order Appealed**

An individual sought to become a staff member but was unable to identify an administrative decision to contest. In Order No. 074 (NY/2022) on case management, the UNDT requested that the applicant provide information on the administrative decision he intended to contest and on his employment status as a United Nations staff member. After he failed to do so, in Judgment No. UNDT/2022/078 in the same case, the UNDT dismissed his application as not receivable.

Subsequently, the applicant sought to be recognized as a former staff member of ECA and a current staff member of DOS. In Judgment No. UNDT/2023/073, the UNDT dismissed his application as not receivable.

## Legal Principle(s)

The UNDT's competence is limited to cases brought by staff members, former staff members or persons making claims in the name of incapacitated or deceased staff members of the United Nations.

Procedural rights are created when an offer of employment is issued, the conditions of the offer of employment have been fulfilled and the offer of employment has been accepted unconditionally. When a decision to appoint has not been finalized because it is still subject to other internal processes, the applicant may not be considered a staff member.

## Outcome

Appeal dismissed on merits; Appeal dismissed on receivability

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Leopold Camille Yodjeu Ntemde

## Entity

N/A

## Case Number(s)

2022-1727

2022-1731

2023-1829

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

8 Nov 2023

## President Judge

Judge Sandhu

Judge Gao

Judge Sheha

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Abuse of process before UNDT/UNAT

Interlocutory appeal

Personal (ratione personae)

Oral hearings

Jurisdiction / receivability (UNAT)

Jurisdiction / receivability (UNDT or first instance)

Procedure (first instance and UNAT)

## Applicable Law

GA Resolutions

- A/RES/66/237

Other UN issuances (guidelines, policies etc.)

- Code of Conduct for Legal Representatives and Litigants

UNAT RoP

- Article 18.1

UNAT Statute

- Article 18.1
- Article 2.1

UNDT RoP

- Article 19

UNDT Statute

- Article 2.1
- Article 3.1
- Article 8.1

## Related Judgments and Orders

2023-UNAT-1364

2021-UNAT-1160

2011-UNAT-139

2011-UNAT-120

UNDT/2022/078

UNDT/2023/073

2020-UNAT-1000

2021-UNAT-1120