

UNDT/2025/041, Cristian Mazzei

UNAT Held or UNDT Pronouncements

The Tribunal noted that the issue of contention was whether a staff member seconded to the Secretariat, from a fund or programme in the United Nations System, is “serving with the United Nations Secretariat under a fixed-term appointment” for purposes of eligibility for a continuing appointment. At the time of the contested decision, the Applicant was a staff member of UNICEF (a Programme) but serving on secondment in UNEP (part of the Secretariat).

Based on the evidence on record, the Tribunal concluded that it was clear that under the Inter-Organization Agreement and the letters of appointment issued by the Secretariat to effectuate the secondment, the Applicant was a staff member of the Secretariat during his secondment. Thus, he was eligible to be considered for a continuing appointment in 2016 and 2017 and the contested decision was unlawful in that regard.

Accordingly, the Tribunal:

- a. Granted the application; and
- b. Rescinded the decision denying the Applicant a continuing appointment in the review exercise for 2016 and 2017.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of 2 February 2024 of the Assistant Secretary-General for Human Resources not to grant him a continuing appointment.

Legal Principle(s)

Pursuant to the settled jurisprudence and the applicable law, the Applicant must be staff member of the Secretariat to be eligible for consideration for a continuing appointment.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal rescinded the decision denying the Applicant a continuing appointment in the review exercise for 2016 and 2017.

Full judgment

[Full judgment](#)

Applicants/Appellants

Cristian Mazzei

Entity

UNSOM

Case Number(s)

UNDT/NBI/2024/048

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

27 Jun 2025

Duty Judge

Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Reasons

Applicable Law

Administrative Instructions

- ST/AI/2012/3

Agreements, conventions, treaties (etc.)

- Inter-Organization Agreement Concerning Transfer, Secondment or Loan of Staff among Organizations applying the United Nations Common System of Salaries and Allowances

GA Resolutions

- A/RES/65/247

Secretary-General's bulletins

Related Judgments and Orders

2010-UNAT-017
2010-UNAT-084
UNDT/2015/002