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UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NY/2020/023  
UNDT/NY/2020/024  
Judgment No.: UNDT/2020/113  
Date: 9 July 2020  
Original: English

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**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

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UNDT/NY/

## **Facts**

### *First application*

6. On 21 December 2019, a Ukrainian multimedia platform published an interview in which a Ukrainian official stated that staff members of the United Nations are spies working for the Russian intelligence agencies.

7. On 23 February 2020, the Applicant, a Russian citizen, emailed the Executive Office of the Department of Operational Support inquiring what actions he could pursue to protect his honour after the publication of the article.

8. EO/DOS responded that privileges and immunities in order to enable the Applicant to bring a defamation suit in a domestic court of law.

9. On 25 February 2020, the Applicant reputational loses in the amount of two years of [his] gross salary and moral sufferings in the amount of two years of [his] gross salary to lift his immunity to bring a lawsuit before a domestic court. The Administration did not respond to this request, and, on 6 March 2020, he requested management evaluation of the decision not to grant him compensation for damages .

### *Second application*

10. On 30 January 2020, the Applicant requested compensation for the restrictions of movements imposed by the Government of the United States on G-4 visas issued to was denied.

11. On 8 May 2020, the Applicant requested waiver of his diplomatic immunity in order to take legal action against the Government of the United States for the

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16. With respect to the decision not to compensate him for the loss of opportunity to get remedy for the reputational losses caused by the statements of the Ukrainian official, the Applicant claims that caused a damage to his reputation and that he is therefore entitled to compensation.

17. The Respondent responds that the Applicant did not request management evaluation of the decision not to lift his functional immunity and therefore, this part of

22. Finally, given that the decision not administrative decision capable of judicial review, the request for compensation for any harm caused by such decision is consequently also beyond the scope of the

*Second application*

23. In essence, the Applicant argues that by declining his request to lift his immunity and allow him to pursue legal action against the Government of the United States, the Administration failed to protect his fundamental right to seek effective remedy for acts violating his human rights.

24. He restates that that the refusal to lift his immunity in this case is distinguishable from the case *Kozul-Wright* in which the Appeals Tribunal found that the Secretary-

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