



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2020-1491

**Jacques Armand**  
**(Applicant)**

v.

**Secretary-General of the United Nations**  
**(Respondent)**

**Order No. 395 (2021)**

1. On 17 November 2020, Mr. Jacques Armand, a staff member of the United Nations Support Office in Somalia (“UNSOS”), filed before the United Nations Dispute Tribunal (UNDT) an application for suspension, pending management evaluation, of an UNSOS decision, dated 10 November 2020, to deduct from his salary a monthly sum of USD 5,032.33 for child support, in accordance with a final court judgment from the Court in Miami-Dade County, Florida, USA.
2. On 19 November 2020, the UNDT issued Order No. 228 (NBI/2020), by which it dismissed Mr. Armand’s application.
3. On 22 November 2020, Mr. Armand appealed the UNDT’s Order No. 228 before the United Nations Appeals Tribunal (Appeals Tribunal). On 23 November 2020, he filed a motion for interim measures asking that the Appeals Tribunal grant the motion “with respect to the Organization’s administrative decision of 10 November 2020 to implement monthly deductions from the [Applicant’s] salary of the sum of \$5,032.33”. Mr. Armand claims that in Order No. 228, “the UNDT erred when it only considered one part in terms of the legality of the organization’s administrative decision of 10 November 2020”, and that while the Administration can enforce a domestic order, “it is illegal for the organization to deprive a Staff member of his minimum vital”.

4. On 4 December 2020, the Secretary-General filed a response to Mr. Armand's motion for interim relief. He requests that the Appeals Tribunal dismiss Mr. Armand's motion in its entirety as the requirements of temporary relief have not been satisfied.

5. On 8 December 2020, Mr. Armand filed comments on the Response to the motion for interim relief, and on 14 December 2020, the Secretary-General filed his observations on Mr. Armand's comments.

6. Article 9(4) of the Appeals Tribunal's Statute provides that "[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal".

7. The Appeals Tribunal has previously held that it may make an interim order for temporary relief, pending the outcome of the appeal, on two cumulative conditions: i) It must be satisfied on a balance of probabilities that there is real likelihood of irreparable harm which can be prevented if temporary relief is granted; and ii) The temporary relief granted is consistent with the judgment of the Dispute Tribunal.<sup>1</sup>

8. In the present case, Mr. Armand does not seek an interim measure for temporary relief which is consistent with the judgment of the Dispute Tribunal. He, in fact, seeks the exact opposite, namely, the suspension of action which the UNDT did not grant him. Since therefore one of the two cumulative conditions under Article 9(4) of the Appeals Tribunal's Statute is not fulfilled, I need not further consider the second condition.

9. For the foregoing reason, Mr. Armand's request for interim measures relief is denied.

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<sup>1</sup> Order No. 327 (2018) (*Elzarov v. Secretary-General of the United Nations*), para. 9; Order No. 100 (2012) (*Nwuke v. Secretary-General of the United Nations*), para. 5; Order No. 3 (2010) (*Koumoin v. Secretary-General of the United Nations*), para. 9.

**IT IS HEREBY ORDERED** that Mr. Armand’s “Motion for Interim Measures” pending proceedings is **DENIED**.

Original and Authoritative Version: English

Dated this 6<sup>th</sup> day of January 2021  
in Athens, Greece.

*(Signed)*  
Judge Dimitrios Raikos,  
Duty Judge

Entered in the Register on this 6<sup>th</sup> day of  
January 2021 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar