



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

LIKUKELA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR/UN Secretariat
Tamal Mandal, AS/ALD/OHR/UN Secretariat

Introduction

1. On 11 May 2025, the Applicant, pursuant to the Tribunal's Order No. 71 (NBI/2025), filed an amended application to contest several administrative decisions which she describes below:

- a. Theft of her wages in the sum of USD47,224.62 which was paid to the United Nations Federal Credit Union ("UNFCU");
- b. Prevention of payment of her United Nations Pension in the sum of USD223,725.00;
- c. Lack of a legal basis for the recovery of her final pay and concealment of the act, until queried;
- d. Illegally withholding of her final pay as a violation of human dignity,
- e. Risking her USD45,000 worth of belongings in Kinshasa, to tear, wear, loss and theft; and accumulation of storage charges;
- f. Criminal trespass on her house in Lusaka, Zambia on 23 February 2024, and vandalism and looting of all her belongings and evidence in the illegal civil suits inflicted on her; and
- g. Validation of an "illegally obtained Res Judicata, 13 July 2022 Zambian Judgment in cause 2014/HPC/0057; and delegitimization of the legitimate and binding mandatory and Final Default Judgment, [she] won in the sum of USD110 million against UNFCU and Zambia, without jurisdiction".

2. This case is another chapter in the Applicant's ongoing dispute with the Administration regarding a mistaken deposit into her United Nations Federal Credit Union (UNFCU) account. Earlier this year, the Tribunal examined her claims that she was improperly disciplined for her actions regarding the mistaken deposit. *Likukela* UNDT/2025/006.

Background

3. The Applicant began her service with the United Nations on 21 February 2007 as a Resident Investigator with the Office of Internal Oversight Services (“OIOS”), at the United Nations Mission in Sudan. She served as an investigator in other missions at various times until her termination on 20 May 2024.

4. On 13 December 2020, the Applicant was appointed as Chief of the Special Investigations Unit (“SIU”) at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”). The next day, the previous Chief of the SIU at MONUSCO reported to OIOS the Applicant’s possible involvement in fraudulent activities.

5. Following an investigation of the allegations against the Applicant, on 20 May 2024, the Under-Secretary-General for Management Strategy, Policy and Compliance (“USG/DMSPC”) informed the Applicant that she had decided to terminate her appointment. The USG/DMSPC concluded that it had been established by clear and convincing evidence that:

a. From 14 December 2020, the Applicant refused to return and/or make arrangements for the return to the UNFCU of funds totaling USD487,216.20, despite UNFCU’s demand and her awareness that the funds had been erroneously transferred to her account;

b. The Applicant had provided OIOS investigators with false documentation and/or misrepresented the nature of a document indicating that it was a final judgment filed with and/or issued by the High Court of Zambia to dispose of the dispute between her and UNFCU, when no such document or judgment had been filed with and/or issued by the High Court of Zambia in the case; and

c. From 13 July 2022, she failed to comply with the High Court of Zambia’s lawful order to return to UNFCU the amount of USD487,216.20, which UNFCU erroneously credited to her account, with interest at the rate of 2% per annum from 1 August 2013.

6. On 24 May 2024, the Applicant filed an application to contest the 20 May 2024 decision to terminate her appointment. That matter was registered as Case No. UNDT/NBI/2024/037. On 7 February 2025, the Tribunal issued Judgment No. UNDT/2025/006 in UNDT/NBI/2024/037, dismissing the application in its entirety, finding, *inter alia*, that the facts on which the disciplinary measure was based had been established by clear and convincing evidence.

7. The Tribunal concluded that the “Applicant engaged in dishonest conduct. Her conduct is particularly egregious given her previous roles in the United Nations as an investigator and as Chief of the Special Investigations Unit.”

8. The Applicant has since appealed the judgment, which is pending before the United Nations Appeals Tribunal (“UNAT”).

Facts

9. On 11 December 2024, the Applicant filed a management evaluation request (“MER”) seeking the payment of her final pay, education grant and reimbursement for Minimum Operating Residential Security Standards (“MORSS”) payments. On 19 April 2025, the Applicant filed the instant case with the Dispute Tribunal captioned as an “Application for Payment of Stolen Wages (\$47,224.62) and Earned UN Pension (\$223,725.00); Damages (USD100,000) for Loss and Potential Damage to Personal Belongings, Declaration of UNDT Jurisdictional Error in Suit 037/NBI/2024, Request for Waiver of Immunity of Implicated Staff and Referral to UNGA for Investigations [*sic*], Impeachment Motions and Possible Criminal Prosecutions, and Demand of Payment of \$1 Million with USD 2,500 Monthly Costs from 30 June 2024, For Loss and Damage Caused by Criminal Trespass, Looting and Vandalism of My House of 23 February 2024 and Referral of the Matter to the UNGA and UNSC for an ICJ Legal Advisory Opinion.”

10. In a response dated 1 May 2025, the Management Advice and Evaluation Section (“MAES”) informed the Applicant of its determination as partly reproduced below:

At the outset, the MAES determined that your challenge to your separation from service is not receivable. You submitted a previous request to MAES on this same issue on 21 May 2024 in case, MAES/257-24/R. On 23 May 2024, the MAES informed you of its determination that the matter was not receivable, setting out the legal basis for that conclusion. Having closed the case at that time, your repeated challenge to your separation as contained in the present request is equally not receivable by our office.

Regarding non-payment of your final entitlements, the MAES further took note that MONUSCO presented documentation demonstrating that all final payments due to you have been processed and disbursed to you, including final salary, Education Grant, Relocation Grant and MRSA. Based on the above, the MAES considered that your request is moot in this regard.

Finally, the MAES concluded that all other matters that you raised in your request for a management evaluation lay outside of its jurisdiction for review.

We are proceeding to close your file on this basis.

11. The same day, the Applicant sought leave from the Tribunal to file additional pleadings in response to the management evaluation response, alleging that:

- a. The MAES is complicit in the theft of her USD47,224.62 because they only determined that her MER was moot after she filed the present application whereas before they had done nothing.
- b. The MAES response should be set aside and declared to be in contempt of these proceedings and

a continuous femicide racketeering conspiracy inflicted on her ... as a money laundering and racketeering activity of my UN wages, benefits and entitlements; and as an illegal way of responding to my filed application herein; and as an illegal way of legitimizing the theft of my wages; and otherwise, an abuse of the UN's Management Evaluation Process.

c. The MAES response constitutes an attempt to cover up the Respondent's "illicit financial activities" and that the Respondent should be referred to the General Assembly and to the Security Council for accountability of inflicting on her modern-day slavery.

d. The Applicant requests a waiver of immunity of certain named staff members who informed her in October 2024 that USD47,224.62 was recovered and paid to UNFCU, and of all United Nations staff members responsible for issuing the MAES letter dated 1 May 2025.

e. The Applicant requests the Tribunal to compel the Respondent to provide proof of the payments the Respondent contends were made to her.

12. The Applicant then filed an amended application on 11 May 2025, to which the Respondent filed a reply on 24 June 2025.

13. The Applicant filed various other submissions on 11 June 2025, to wit:

a. A motion seeking leave to file "Additional pleadings in the wake of receipt of an email Notice of theft of her house" in Lusaka. In said motion, the Applicant seeks to bring to the Tribunal's attention "grave and prejudicial developments that have occurred pendente lite, directly impacting the integrity of the ongoing proceedings and threatening to render the Applicant's claims nugatory ..." The additional pleadings the Applicant proposes the Tribunal to enter into the case record relate to matters that were determined by the 13 July 2022 Judgment in cause 2014/HPC/0057 in the Zambian Court.

b. A motion seeking leave to file comments on the Respondent's reply. The submissions the Applicant seeks to submit in response to the reply are repetitive and have already been considered by the Tribunal in Judgment No. UNDT/2025/006 and Order No. 161 (NBI/2024) of Case No. UNDT/NBI/2024/037 and in this Judgment.

Parties' submissions

14. The Applicant's principal contentions are:

- a. The Respondent's decision to recover her earned wages was done without due regard to the law or facts at issue, but as an illegal and arbitrary activity.
- b. This decision breaches fundamental principles of human rights, specifically the prohibition against forced labour and slavery.
- c. The Directors of ID/OIOS and ALD and their staff, the Assistant Secretary-General for Management and Human Resources; the MONUSCO Special Representative of the United Nations Secretary-General and her implicated staff, abused their authority.
- d. The actions of the Respondent's staff members in colluding with Zambian lawyers to use an "ancient contested invalid court order" to seize and transfer the Applicant's property to a local Zambian on behalf of the United Nations, amount to a clear obstruction of justice and a perversion of the course of justice before this Tribunal.
- e. The subsequent alleged illegal occupation and transfer of this property, without her consent or due process, constitutes direct tampering with an exhibit, gravely prejudicing her ability to prove her case and undermining the evidentiary basis of this Tribunal's review.
- f. The procurement and use of a contested invalid court order, without her knowledge or participation, represent a profound violation of her fundamental due process rights, including the right to be heard and the right to notice.
- g. The continued illegal occupation and transfer of her house directly impacts the subject matter of the compensation claim, undermine and are in contempt of the Tribunal and obstruct it from fully assessing the damages and providing a fair remedy.

- h. Given that alleged criminal suspects are involved, it is imperative for the Respondent to account for these actions, clarify any purported involvement, and produce any legitimate basis or internal directive, if any, that authorized such drastic measures concerning the Applicant's private property during ongoing litigation in both her UNDT and UNAT matters.
 - i. The recent actions of the Respondent's dealings with a criminal enterprise and orchestrating the theft of the Applicant's house, gravely exacerbate the already pleaded failure by the United Nations to comply with the conditions of the Applicant's employment contract.
 - j. The Respondent's reply mischaracterizes, distorts, and incompetently addresses her application, but effectively shields its culpable parties and implicated United Nations staff members. The reply fails to provide any legal justification for its staff members' collusion with Zambian lawyers in abusing the Zambian judicial process as a racketeering enterprise, which culminated in criminal ransacking and vandalism of her residence in Zambia on 23 January 2024, for which she demanded compensation for those damages.
 - k. The Applicant denies any legal or financial obligations to UNFCU.
 - l. The UNDT Judgment, *Likukela* UNDT/2025/006 contains false and untruthful statements and "is currently under UNAT review."
15. The Respondent's principal contentions are:
- a. The decision to recover the sum of USD47,224.62 which was paid to UNFCU is not receivable because the Applicant did not timely request management evaluation. The Applicant admits that she learned of this decision on 3 October 2024 and, although the Applicant had 60 calendar-days from that date to submit a request for management evaluation, that is, by 2 December 2024, she only submitted her request for management evaluation belatedly on 11 December 2024.

b. The Applicant's challenge in her MER seeking the payment of her MORSS payments is moot and not receivable because, on 30 December 2024, the Organization paid USD1,366.73 as the Monthly Residential Security Allowance ("MRSA") for the period March to 22 May 2024 (i.e., until the Applicant's separation from service) into her bank account with Trust Merchant Bank. This amount comprised USD500 for March, USD500 for April and USD366.67 for the 22 days of May 2024. The Applicant had no right to MRSA for June 2024 because she was no longer in service with the Organization.

c. The Applicant's challenge to the non-payment of her pension benefit is moot because UNJSPF paid the Applicant's final withdrawal settlement in July 2024 following her separation. In any event, under the Regulations, Rules and Pension Adjustment System of UNJSPF, the Dispute Tribunal does not have jurisdiction regarding UNJSPF decisions.

d. The Applicant's numerous other claims are not reviewable administrative decisions as required under art. 2.1(a) of the UNDT Statute.

e. The Applicant's claim that in rendering Judgment No. UNDT/2025/006, the Tribunal exceeded its jurisdiction is beyond the proceedings, and her appeal against said Judgment is pending before UNAT.

f. Staff rule 1.2(b) mandated the Applicant to honour her private legal obligation. Specifically, the Applicant was under an obligation to honour the judgement of the competent court, i.e., the High Court of Zambia, that ordered her to make restitution of USD487,216.20 to UNFCU along with interest. It is undisputed that the Applicant did not do so.

g. Consequently, under sections 6.1 and 6.2 of ST/AI/2000/12 (Private legal obligations of staff members), the Organization lawfully withheld the Applicant's final pay of US\$45,065.02 and USD1,459.64 (education grant payment) upon her separation from service to satisfy her legally established indebtedness to UNFCU.

Considerations

16. Having reviewed the parties' various submissions, the Tribunal considers itself fully informed and prepared to rule.

Receivability

17. Some of the contested decisions are manifestly irreceivable as already determined by the Tribunal in *Likukela* Order No. 161 (NBI/2024) and *Likukela* UNDT/2025/006. These matters will not be considered again by the Tribunal in accordance with the doctrine of *res judicata*.

18. In Order No. 161 (NBI/2024) the Tribunal determined that it would not entertain "[a]ll claims related to the alleged 'raid, looting, vandalism and illegal occupation' of the Applicant's house. These actions were undertaken by people not employed by the United Nations and are again beyond UNDT's jurisdiction". This previous ruling covers the Applicant's claims as set out in paras. 1(e) and (f) above.

19. The claims related to the proceedings in the High Court of Zambia described in para. 1(g) above were addressed in paras. 39-42 of judgment UNDT/2025/006:

The Tribunal is bound by the Zambian High Court's determination that UNFCU had provided the Applicant with evidence that the funds had been erroneously transferred to her account.

Next, the Applicant contends that the 13 July 2022 judgment could not have been validly issued by the High Court of Zambia since the final default judgment she obtained in April 2017 was the only valid judgment. This too is without merit. As mentioned above, the purported final judgment was a falsified document created by the Applicant and has no legal validity or effect."

Id., paras. 41-42. Accordingly, those claims are also barred by *res judicata*.

20. The claims regarding the alleged theft of her wages (para. 2(a), above), lack of a legal basis for recovery of her final pay (para. 2(c)) and illegally withholding her final pay (para. 2(d)) are not receivable *ratione materiae* for failure to file a timely request for management evaluation.

21. The Applicant admits that she was advised on 3 October 2024 of the decision to direct her final pay and entitlements to UNFCU to satisfy her indebtedness. Accordingly, she was obliged to request management evaluation of that decision by 2 December 2024, i.e., within 60 days of being notified of the contested decision. Staff Rule 11.2(d). However, she did not meet that deadline and only filed her management evaluation request on 11 December 2024. In accordance with Article 8.3 of the UNDT statute, “[t]he Dispute Tribunal shall not suspend or waive the deadlines for management evaluation.” As such, this claim is not receivable.

22. The claim alleging prevention of the payment of her pension (as summarized in para. 1(b) above) is not receivable because it is moot. The record shows that the UN Joint Staff Pension Fund (UNJSPF) paid the Applicant’s final withdrawal settlement in July 2024, following her separation from service and before the filing of this case. The Applicant does not contest this.

23. The remainder of the Applicant’s claims are not receivable as they are beyond the competence of the Dispute Tribunal. For example, it is beyond this Tribunal’s authority to declare jurisdictional error in the prior case; that is to be handled by the Appeals Tribunal in the pending appeal. Similarly, the Dispute Tribunal has no authority to waive immunities or to refer the matter to the General Assembly and the Security Council for a legal advisory opinion from the International Court of Justice.

24. The Tribunal will not comment on the Applicant’s other numerous submissions which are not related to the contested decisions. This application fails on receivability as discussed above.

Conclusion

25. In light of the foregoing, the Tribunal DECIDES to deny the application in its entirety as not receivable.

(Signed)

Judge Sean Wallace

Dated this 15th day of July 2025

Entered in the Register on this 15th day of July 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi