



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/NBI/2025/022
Order No.:	23 (NBI/2025)
Date:	3 March 2025
Original:	English

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**Before:** Judge Sean Wallace

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

HADDAD

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**PRELIMINARY ORDERS ON THE  
APPLICANT'S APPLICATION FOR  
SUSPENSION OF ACTION PENDING  
MANAGEMENT EVALUATION**

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**Counsel for Applicant:**

Sètondji Roland ADJOVI  
Anthony K. WILSON

**Counsel for Respondent:**

ECA

## **Introduction**

1. The Applicant serves on a fixed term appointment as the Director of Administration at the United Nations Economic Commission for Africa (UNECA), and is based in Addis Ababa, Ethiopia.
2. On 28 February 2025, the Applicant filed an application for suspension of action to stay the Respondent's decision to place him on administrative leave with pay (ALWP) from 26 February 2025 "until the completion" of an investigation into allegations of procurement irregularities at UNECA.. The application also contains a letter from the UNECA Executive Secretary which says, *inter alia*, "there is information to suggest you might have possibly tampered with evidence and therefore interfered with the investigation."
3. The application before the Tribunal also includes motions for anonymity and for production of evidence. In respect of the latter, the Applicant requests the Tribunal to direct the Respondent, in his reply (to the application for suspension of action), to "produce the 24 February 2025 memorandum from the Director, Investigations Division" which formed the basis of the impugned decision of 25 February 2025.

## **Considerations**

4. Initially, the Tribunal deems it helpful to have the Respondent's submissions on the application to suspend the administrative leave with pay until completion of the investigation into the alleged misconduct. However, the Tribunal does not feel the need for the requested document at this stage of the proceeding. Thus, the Respondent is not directed to include that document in his Reply, so the Applicant's motion for production of evidence is denied at this time, without prejudice to be re-visited if appropriate in the future.
5. Since this Order shall be published, it is necessary to deal with the Applicant's motion for anonymity at this stage. After careful consideration of the Applicant's arguments, the Tribunal is not persuaded that anonymity is warranted under the circumstances pleaded.

6. There is a long line of cases providing that the names of litigants will be redacted only in exceptional and sensitive cases. See, *inter alia*, *Williams*, UNAT Order No. 146 (2014), para. 5; *Servas*, Order No 127 (2013), para. 5; *Ahmed*, UNAT Order No. 132 (2013), para. 4; *Mobanga*, 2017-UNAT-741, para. 22; and *Buff* 2016-UNAT-639, para. 21. The general test to be applied is “the names of litigants are routinely included in judgments of the internal justice system of the United Nations in the interests of transparency and accountability, and personal embarrassment and discomfort are not sufficient grounds to grant confidentiality.” *Buff*, *supra*.

7. The Appeals Tribunal has established that the principle of publicity can only be departed from where the applicant shows “greater need than any other litigant for confidentiality” *Pirnea* 2014-UNAT-456, quoting *Servas*, *supra*. Names should be redacted “in only the most sensitive cases.” *Mbanga*, *supra*, quoting *Ahmed*, *supra*.

8. In this case, the Applicant claims that “given the Applicant’s position as Director of Administration, that the case be anonymized due to the high risk of serious reputational damage.”

9. First of all, the fact that the Applicant is a high-level (D-1) staff member is not relevant. The Tribunal does not treat higher-level applicants any differently to those who encumber positions at a lower grade.

10. Secondly, the risk of reputational damage is essentially an issue of embarrassment, which the Appeals Tribunal has addressed in the orders cited above. Moreover, he admits that “the fact that the Applicant is on administrative leave is already known with[in] the agency and the rumours are at it as usual. This will negatively affect the reputation of the Applicant.” In other words, any reputational harm has already occurred and granting anonymity in this case for suspension of action will not change that. “The horse is out of the barn.”

11. The Applicant’s motion for production of evidence will be denied without prejudice to be reconsidered if appropriate in the future.

## **ORDERS**

12. The Tribunal makes the following ORDERS:

- a. The Registry is directed to serve the Application for Suspension of Action on the Respondent;
- b. The Respondent is directed to file his reply to the Application for Suspension of Action by **4 March 2025**;
- c. The Reply need not include the requested document;
- d. The Applicant's motion for anonymity is denied

*(Signed)*

Judge Sean Wallace

Dated this 3<sup>rd</sup> day of March 2025

Entered in the Register on this 3<sup>rd</sup> day of March 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi