



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

UDEH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for Applicant:

ADJOVI Sètonджи Roland, *Etudes Vihodé Ltée*
WILSON Anthony Kreil, *Etudes Vihodé Ltée*

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat
Nisha Patel, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a Security Coordinator Officer working with the United Nations Department of Safety and Security (“DSS”), based in Cotonou, Benin.
2. On 12 November 2025, the Applicant filed an application to suspend the Respondent’s decision to place him on administrative leave with pay (“ALWP”) from 5 November 2025 until 4 February 2026.
3. On 14 November 2025, the Respondent filed his reply; on 17 November 2025, the Applicant filed a motion for leave to respond to the reply, which included his arguments in response. The Tribunal will grant the motion and has considered the Applicant’s additional arguments in analyzing the case.

Factual background

4. The Applicant is the most senior DSS representative at the Cotonou duty station.
5. The Applicant facilitated and attended a meeting on 19 July 2024, which included a female DSS security information analyst and the Chief of the Benin National Police in Cotonou. Subsequently, the DSS analyst (“the Complainant”) reported that she felt verbally harassed during the meeting. The report was referred to the Office of Internal Oversight Services (OIOS) which initiated an investigation.
6. On 16 September 2024, OIOS invited the Applicant for a subject interview. OIOS services wrote, in part:

Specifically, it was reported to OIOS that you engaged in acts of possible sexual harassment towards [the Complainant] in violation of ST/SGB/2019/8. Reportedly, on 19 July 2024, during a meeting with national stakeholders in Benin, a National Police Director made inappropriate comments about kidnappings and rape and referring to [the Complainant’s] body type and said that she would be kidnapped and raped if she visited the North of Benin. Whilst these comments were being directed at [the Complainant], you were reportedly laughing and smiling, making suggestive and offensive gestures towards [the Complainant]. We would like to schedule an interview,

in English, with you to discuss the reported misconduct and would be very grateful if you could confirm your availability.

7. After consultations between OIOS and the Applicant, the subject interview took place on 27 September 2024. The Applicant then sent OIOS a post-interview statement on 9 October 2024.

8. On 25 June 2025 OIOS advised the Applicant that its investigation was complete, “and the evidence obtained has been forwarded for appropriate action”.

9. On 4 November 2025, the Under-Secretary-General for DSS (USG/DSS) wrote to the Applicant:

As you are aware, the Office of Internal Oversight Services (OIOS) has completed its investigation into allegations of possible prohibited conduct involving you and has submitted its report to the Office of Human Resources (OHR).

Under these circumstances and given the nature of the allegations, please be informed that, in accordance with Staff Rule 10.4 and section 11.3 of ST/AI/2017/1, and upon my authority, **you are hereby placed on administrative leave with full pay**. More specifically, I have determined that your continued presence at the office could constitute prejudice the interests or reputation of the Organization, section 11.3 (c) refers. The administrative leave with full pay will take effect immediately, for an initial period of three months from 5 November 2025 through 4 February 2026, or until the process is completed, whichever comes earlier. (emphasis added).

10. On 10 November 2025, the Applicant requested management evaluation of the contested decision, followed by the instant application. The Applicant has yet to get a response to his management evaluation request.

Consideration

11. Art. 2.2 of the Tribunal’s Statute and art. 13 of its Rules of Procedure provide that the Tribunal shall be competent to suspend the implementation of a contested administrative decision, during the pendency of management evaluation, where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. The Dispute Tribunal

can suspend the contested decision only if all three requirements are met. *Asikeit* Order No. 108 (NBI/2025), para. 31; *Makky* Order No. 175 (NBI/2025), para. 12.

12. The Applicant seeks to meet the urgency and irreparable harm requirements with the same allegations. As to urgency he alleges that “the impugned decision is having a continuous and negative impact on the Applicant’s life and reputation,” without providing any further details. As to the requirement of irreparable harm, the Applicant slightly alleges that “harm on the mental health of the Applicant” and “serious reputational damage” are both irreparable.

13. However, the Applicant provides neither details nor evidence to support these allegations. The Tribunal cannot presume either mental health harms or damage to reputation without a scintilla of evidence. Indeed, granting a suspension of action based on mere allegations would eviscerate the requirements of art. 2.2.

14. As such, the Applicant has failed to meet the requirements of urgency and irreparable harm. Given the Applicant’s failure to meet two of the three requirements for suspension of action, there is no need to examine the third requirement of *prima facie* unlawfulness.

Conclusion

15. In light of the above, the Tribunal ORDERS that the application is denied.

(Signed)

Judge Sean Wallace

Dated this 18th day of November 2025

Entered in the Register on this 18th day of November 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi