

1 The Applicant, a staff member of the United Nations Development Fund (“UNDP”), seeks suspension of the 20 August 2024 decision to extend his Administrative Leave Without Pay (“ALWOP”) from 25 August to 24 November 2024 through a suspension of action during the proceedings, also known as a motion for interim measures, under art. 14 of the Tribunal’s Rules of Procedure (“RoP”).

2 For the reasons set out below the Applicant’s motion for interim measures is denied

3 The Applicant joined UNDP on 6 March 2001. From 1 January 2019 UNDP seconded the Applicant to the UN Secretariat to serve as Resident Coordinator to Fiji, Solomon Islands, Tonga, Tuvalu and Vanuatu at the D 1 level

4 From 11 May 2023 to 24 November 2023 the Applicant was placed on administrative leave with pay (“ALWP”) pending an investigation into allegations of sexual harassment, harassment and abuse of authority against him

5 On 24 November 2023 the Applicant’s secondment with the UN Secretariat ended and he returned to UNDP.

6 By letter dated 1 December 2023, the Assistant Secretary-General, Assistant Administrator and Director, Bureau for Management Services (“ASG/BMS”), informed the Applicant of the decision to place him on ALWOP from 1 December 2023 through 24 February 2024. The reason given was said to be the same as in the 24 November 2023 letter placing the Applicant on ALWP and in addition that

OIOS has confirmed that there is preponderance of evidence that you engaged in the alleged conduct and the alleged misconduct is of such gravity that it would, if established, warrant separation or dismissal under Staff Rule 102(a) (viii) or (ix).

7 On 24 January 2024, the Applicant filed an application for suspension of action pending management evaluation against the 1 December 2023 decision to place him on ALWOP. By Order No 9(GVA/2024), dated 31 January 2024, the Tribunal rejected the Applicant's request based on its finding that the contested decision was not *prima facie* unlawful. The Tribunal stated the following (emphasis

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suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination

23 For the Tribunal to order interim measures, several cumulative conditions set forth in the abovementioned provisions must be met (see Nakau Order No 116(NY/2015), Avonyi Order No 165 (GVA/2015), Kazagic Order No 20 (GVA/2015), Auda Order No 156 (GVA/2016) and Harvey Order No 10(GVA/2020):

a The notion for interim measures must have been filed in connection with a pending application on the merits before the Tribunal and at any time during the proceedings

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