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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/007

Order No.: 021 (NY/2024)

Date: 22 February 2024

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Isaac Endeley

HANNINA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON AN APPLICATION FOR  
SUSPENSION OF ACTION**

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**Counsel for Applicant:**

Shubha Suresh Naik, OSLA

**Counsel for Respondent:**

Halil Göksan, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant is the Chief of \_\_\_\_\_ at the United Nations . On 15 February 2024, she filed an application for suspension of action \_\_\_\_\_ to extend the duration of her placement on administrative leave with pay \_\_\_\_\_ .
2. On 20 February 2024, at the Tribunal \_\_\_\_\_ , the Respondent filed his reply stating that the application is meritless becau \_\_\_\_\_ .

## **Factual background**

3. On 22 April 2022, the Office of Internal Oversight Services ( OIOS ) received a complaint from a former staff member with UNSMIL implicating the Applicant in prohibited conduct.
4. On 26 May 2022, OIOS referred the matter to UNSMIL for appropriate action in accordance with the provisions of ST/AI/2017/1, the Administrative Instruction on



15. In a letter dated 5 February 2024, the SRSG notified the Applicant of the findings of the fact-finding panel. He informed her that based on the panel's findings substantiating the allegations of possible misconduct, he had decided to refer the matter to the Office of [redacted] at United Nations Headquarters in New York.

16. On 14 February 2024, the Applicant filed a MER challenging the latest extension of her placement on ALWP.

17. On 15 February 2024, she filed the present application for SOA.

### **Considerations**

#### *Receivability of the application for suspension of action*

18. [redacted] its Rules of Procedure, the Tribunal may 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 have been met.

19. In the present case, the Applicant is seeking suspension of the decision, dated 11 January 2024, to further extend the duration of her placement on administrative leave with pay [redacted]. She was first notified of her placement on ALWP, for an initial period of three months ending in July 2023 [redacted]. The ALWP was subsequently extended in July and October 2023 for further periods of three months.

20. The Tribunal notes that in the letter of 11 January 2024, the SRSG states that his [redacted], or [redacted]

until the completion of a disciplinary process, is

career prospects may constitute irreparable damage. The onus is, however, on the Applicant to demonstrate, with specificity, that irreparable damage will occur and must not be speculative (*Nwuke* UNDT/2011/107).

24. In terms of the claim of irreparable damage caused to her, the Applicant submits that her continued placement on ALWP

and that the recent recruitment of a  
definitely lead to speculation She adds that even  
-establish her credibility and  
authority among her superiors, peers and subordinates and rehabilitate her professional

25. The Applicant also states that in addition to the  
decision to extend her placement on ALWP

on her health.  
[exacerbated] requiring adjustments to her medications and she is presently under the care

26. The Tribunal notes that the contested decision concerns the decision to extend the

27. In the circumstances of the present case, the Tribunal considers that the Applicant has not established such irreparable damage. First, the Tribunal notes that the Applicant does not submit that she faces loss of employment or income, but rather that her placement on ALWP to her professional work and reputation . Second, by and , she is, in fact, arguing that these aspects can be repaired. Third, the Applicant has not provided any supporting documentation, such as a medical report or the assessment of a medical expert, to substantiate her claims regarding of the contested decision on her health. Under the particular circumstances of this case, however, any damage cannot be considered

28. For an application for suspension of action to be successful, there must be at least an averment of irreparable harm to the Applicant, which the present application does not contain. The reasons proffered by the Applicant do not constitute grounds for a finding of irreparable damage to the Applicant. The Applicant has not shown that the implementation of the contested decision would cause her any harm that could not be compensated by an appropriate award of damages in the event the Applicant decides to file an application on (*Evangelista* UNDT/2011/212).

29. Accordingly, the Tribunal finds that the Applicant has failed to demonstrate that the implementation of the contested decision would cause her irreparable damage, and the present application stands to be dismissed.

*Prima facie unlawfulness and particular urgency*

30. As the Applicant has not satisfied the requirement of proving that she will suffer irreparable damage if the contested decision is implemented, the application fails and there is no need to examine the conditions of *prima facie* unlawfulness and particular urgency.

In light of the above,

IT IS ORDERED THAT:

31. The application for suspension of action is rejected.