



Before: Duty Judge
Registry: New York
Registrar: Isaac Endeley

LELAJ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR INTERIM
MEASURES**

AND

**ORDER
ON MOTION TO REJECT REVISED
REPLY**

Counsel for Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé Ltée*
Anthony Kreil Wilson, *Etudes Vihodé Ltée*

Counsel for Respondent:

Jacob B. van de Velden, DAS/ALD/OHR, UN Secretariat
Seungyoun Seo, DAS/ALD/OHR, UN Secretariat

Introduction

1. Following a motion for extension of time to file an application, the Applicant filed his revised application on 8 August 2025 in compliance with the Duty Judge's instructions. He contests the "decisions to separate him from service and to include his name in the ClearCheck database".
2. On 23 September 2025, the Respondent filed his revised reply, also in compliance with the Duty Judge's instructions.
3. On 1 October 2025, the Applicant filed a motion for interim measures seeking "a temporary removal of his name [from the ClearCheck database] pending the determination of the case on the merits".
4. Also on 1 October 2025, the Applicant filed a motion to reject the Respondent's revised reply, arguing that the revised reply did not follow the template stipulated at para. 19 of Practice Direction No. 4 on Filing of Applications and Replies.
5. The Respondent filed responses urging the Tribunal to reject both motions.

Considerations

Motion for interim measures

6. Interim measures during the proceedings are governed by art. 10.2 of the Tribunal's Statute and art. 14.1 of its Rules of Procedure. The former, which is replicated almost completely in the latter, provides that:

At any time during the proceedings, the Dispute Tribunal may order an interim measure, which is without appeal, to provide temporary relief to either party, where the contested administrative decision appears *prima facie* to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination.

7. For the Tribunal to order interim measures, several cumulative conditions set forth in the above-mentioned provisions must be met (see *Nadeau* Order No. 116 (NY/2015), *Awomeyi* Order No. 165 (GVA/2015), *Kazagic* Order No. 20 (GVA/2015), *Auda* Order No. 156 (GVA/2016), *Harvey* Order No. 10 (GVA/2020) and *Mesanan* Order No. 25 (GVA/2025):

- a. The motion 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;
- b. The administrative decision contested in the pending application on the merits appears *prima facie* to be unlawful, relates to a case of particular urgency, and its implementation would cause irreparable damage; and
- c. The requested temporary relief must not concern appointment, promotion or termination.

8. In the present case, the Tribunal notes that the motion for interim measures is filed in connection with a pending application on the merits. This satisfies the condition in para. 7 a. above. The Tribunal also recalls that in the letter of 11 April 2025 conveying the contested administrative decisions, the Assistant Secretary-General for Human Resources advised the Applicant that “[a]s a consequence” of the decision to impose on him the disciplinary measure of separation from service with compensation in lieu of notice, and with termination indemnity, he “will be listed in ClearCheck, a highly secure centralized database that contains the names of individuals who have a record of serious misconduct”. Thus, the placement of the Applicant’s name in the ClearCheck database is related to “appointment, promotion or termination” and is clearly exempt from those situations in which interim measures may be granted. Accordingly, the Tribunal finds that the condition in para. 7 c. is not satisfied.

9. The condition set out in para. 7 b. above requires that the administrative decision contested in the pending application on the merits meet three other criteria, namely *prima facie* unlawfulness, urgency, and causing irreparable damage. However, since the Applicant has already failed to satisfy the cumulative criterion

at para. 7 c., there is no need for the Tribunal to examine the condition at para. 7 b. as it is necessary to satisfy all three cumulative conditions.

10. Accordingly, the Tribunal will reject the Applicant's motion for interim measures.

Motion to reject the Respondent's revised reply

11. The Applicant submits, in essence, that the Respondent "manipulated the format" of the standard template for a reply as stipulated at para. 19 of Practice Direction No. 4 on Filing of Applications and Replies. As a consequence, "the page margins appear narrower, paragraph spacing reduced, header and footer margins altered, and footnotes in a smaller font than the official form". This has resulted in the Respondent's revised reply now containing 7,147 words, while the Applicant's revised application contains 5,131 words although each submission is about 16 pages long.

12. On his part, the Respondent submits that para. 20 of Practice Direction No. 4 merely prescribes the font type, font size and line spacing to be used in the reply, and that it does not state any other specific requirements such as the size of the margins. However, he states that he would appreciate "any guidance from the Tribunal on whether in addition to paragraph 20 of the Practice Direction specific requirements on font size and line spacing, there are other requirements regarding the Reply".

13. The Tribunal recalls that it already requested both parties to make adjustments to their initial filings before the revised versions of the application and reply were accepted into the case file. At this stage of the proceedings, the Tribunal sees no benefit in ordering the Respondent to file another revised reply with a lower word count and will therefore reject the Applicant's motion. However, the Tribunal has taken note of the parties' submissions in this regard and will take appropriate action in due course.

14. In light of the above,

IT IS ORDERED THAT:

15. The Applicant's motion for interim measures is denied.
16. The Applicant's motion to reject the Respondent's revised reply is denied.

(Signed)

Judge Solomon Areda Waktolla

Dated this 28th day of October 2025

Entered in the Register on this 28th day of October 2025

(Signed)

Isaac Endeley, Registrar, New York