



**UNITED NATIONS APPEALS TRIBUNAL**  
**TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2025-UNAT-1561

**Huda Hannina**  
**(Appellant)**

**v.**

**Secretary-General of the United Nations**  
**(Respondent)**

**JUDGMENT**

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Before:	Judge Leslie F. Forbang, Presiding Judge Graeme Colgan Judge Kanwaldeep Sandhu
Case No.:	2024-1952
Date of Decision:	27 June 2025
Date of Publication:	30 July 2025
Registrar:	Juliet E. Johnson

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Counsel for Appellant: Manuel Calzada

Counsel for Respondent: Francisca Lagos Pola

**JUDGE LESLIE F. FORBANG, PRESIDING.**

1. Ms. Huda Hannina (Ms. Hannina), a staff member of the United Nations Support Mission in Libya (UNSMIL), contested the decision of the Administration to place her on administrative leave with pay (ALWP) as of 19 April 2023 (contested decision).
2. On 9 August 2024, by Judgment No. UNDT/2024/048 (impugned Judgment),<sup>1</sup> the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed Ms. Hannina's application.
3. Ms. Hannina lodged an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

**Facts and Procedure**

5. At the relevant time of events, Ms. Hannina was serving as the Chief of Mission Support of UNSMIL, at the D-1 level, in Tripoli, Libya.
6. On 22 April 2022, the Office of Internal Oversight Services (OIOS) received a report of allegations of misconduct – specifically abuse of authority and harassment – against Ms. Hannina.
7. On 26 May 2022, OIOS referred the matter to UNSMIL for appropriate action.
8. On 13 June 2022, the case was referred to the Regional Conduct and Discipline Section, UNSMIL (RCDS).
9. On 14 October 2022, the Chief, RCDS, by Interoffice Memorandum, informed the Special Representative of the Secretary-General for Libya and Head of Mission (SRSG), UNSMIL, that the threshold had been met to constitute a fact-finding panel to investigate whether the allegations of misconduct against Ms. Hannina were substantiated, and therefore recommended its prompt establishment.<sup>2</sup> As the Chief of Mission Support of UNSMIL, Ms. Hannina had

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<sup>1</sup> *Hannina v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/048.

<sup>2</sup> Interoffice Memorandum dated 14 October 2022.

oversight of consultancy contracts issued by UNSMIL, including a contract for one of the fact-finding panel members in her own case.<sup>3</sup>

10. On 5 January 2023, the SRSG appointed a fact-finding panel to investigate the allegations against Ms. Hannina and subsequently informed her of its establishment on 27 January 2023.<sup>4</sup>

11. On 11 April 2023, the Chief, RCDS, in an e-mail to the SRSG, noted that the fact-finding panel had faced “different levels of unnecessary challenges/delays that ha[d] hindered” its progress, citing, among other issues, the delay in issuing a contract for one of the panel members. She recommended to place Ms. Hannina on ALWP, as the conditions required under Section 11.3(b) and (c) of Administrative Instruction ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process) were met. She stated that there was “a potential conflict of interest” and described Ms. Hannina as “very powerful and influential in the Mission”, adding that a “perceived interference and or influence whether directly/indirectly with anything related to the panel [appeared] to create a false perception of impunity that [might] affect the credibility of the accountability mechanism in the Mission”.<sup>5</sup>

12. On 20 April 2023, Ms. Hannina was informed by e-mail of the decision to place her on ALWP. In his letter dated 19 April 2023, the SRSG stated that:<sup>6</sup>

I have determined that in order to protect the work of the fact-finding panel as well as to avoid any prejudice to the interest or reputation of the Organization, it is best to place you on [ALWP].

The purpose of this letter is to inform you that I have decided to place you on [ALWP] with immediate effect for an initial period of three months, in accordance with Staff Rule 10.4 (...) and Section 11.3(c) and (e) of ST/AI/2017/1 (...)

This decision is based on the severity of the allegations. After a careful consideration of these allegations including risk to the safety, security, and well-being of other [United Nations] personnel, I have decided that your continued presence in the Organization’s premises could prejudice the interests and reputation of the Organization, as well as have a negative impact on the preservation of a harmonious work environment.

<sup>3</sup> Impugned Judgment, para. 31.

<sup>4</sup> E-mail dated 27 January 2023 and annexed memorandum from the Administration to Ms. Hannina dated 5 January 2023.

<sup>5</sup> E-mail from the Chief, RCDS to the SRSG dated 11 April 2023 and its annex.

<sup>6</sup> E-mail from the Administration to Ms. Hannina dated 20 April 2023 and its annex.

Accordingly, you are placed on [ALWP] effective date of your receipt of this notification. Your [ALWP] will continue for an initial period of three months, or until completion of any disciplinary process whichever is earlier.

13. On 23 April 2023, Ms. Hannina requested management evaluation of the contested decision.

14. On 6 June 2023, the Under-Secretary-General for the Department of Management Strategy, Policy and Compliance (USG/DMSPC) informed Ms. Hannina of the decision to uphold the contested decision. The USG/DMSPC noted that, in reaching its decision, the Management Evaluation Unit (MEU) considered, among other factors, the delays in completing the fact-finding process, which directly resulted from Ms. Hannina's complaint regarding the involvement of the Conduct and Discipline Focal Point in her case, as well as the delay in authorizing the consulting agreement for one of the fact-finding panel members.<sup>7</sup>

*Procedures before the Dispute Tribunal*

15. On 2 September 2023, Ms. Hannina filed an application with the Dispute Tribunal challenging the contested decision.

16. On 9 April 2024, the Dispute Tribunal held a case management discussion (CMD), during which the parties were invited to make further submissions on the need for an oral hearing and the presentation of witness evidence.<sup>8</sup>

17. On 25 April 2024, Ms. Hannina submitted a request for an oral hearing and to call four witnesses to testify. On 8 May 2024, the Secretary-General opposed Ms. Hannina's motion.<sup>9</sup>

18. On 11 June 2024, the UNDT issued Order No. 065 (NY/2024), denying Ms. Hannina's motion. The UNDT found that "the case record [was] comprehensive and there [was] no irreconcilable dispute of facts between the parties" justifying an oral hearing.<sup>10</sup>

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<sup>7</sup> Management evaluation dated 6 June 2023.

<sup>8</sup> *Hannina v. Secretary-General of the United Nations*, Order No. 065 (NY/2024), para. 4.

<sup>9</sup> *Ibid.*, paras. 6-7.

<sup>10</sup> *Ibid.*, para. 11.

*Impugned Judgment*

19. On 9 August 2024, the Dispute Tribunal issued the impugned Judgment, concluding that the contested decision was lawful and dismissing Ms. Hannina's application.

20. First, the UNDT found that the decision to place Ms. Hannina on ALWP was lawful, reasonable and proportionate. It held that the SRSG reasonably exercised his authority to protect the work of the fact-finding panel and to prevent prejudice to the interests and reputation of the Organization, in accordance with Section 11.3(b) and (c) of ST/AI/2017/1. The UNDT highlighted that Ms. Hannina's role in assisting with the administration of the fact-finding panel investigating her own alleged misconduct was problematic *ab initio*, as there was "bound to be a perceived conflict of interest".<sup>11</sup>

21. Furthermore, the UNDT found that Ms. Hannina's actions did indeed create "reasonable perceptions of interference and/or influence", thereby justifying the contested decision as necessary to protect the credibility of the Organization's accountability mechanism.<sup>12</sup> The UNDT rejected Ms. Hannina's claim that her actions did not cause delays and were legitimate, as well as her argument that any delays were attributable to others. On the contrary, the UNDT found that although other persons may have contributed to delays affecting the fact-finding panel's work, her conduct nevertheless played a role in causing such delays.<sup>13</sup> Specifically, the UNDT noted that Ms. Hannina delayed the issuance of the consultancy contract of a fact-finding panel member by: i) approving the consultancy form and then waiting 10 days before raising doubts about it with the SRSG; ii) failing to copy relevant e-mail addresses in her correspondence with the SRSG, which would have ensured her concerns regarding the consultancy form were addressed promptly; and iii) unnecessarily requesting an updated version of the SRSG's approval of the consultancy form. The UNDT further observed that Ms. Hannina also objected to providing a list of witnesses to the UNSMIL Conduct and Discipline Focal Point, which also contributed to additional delays.<sup>14</sup>

22. Second, the UNDT found that the contested decision was procedurally correct and that Ms. Hannina's due process rights had been respected. It highlighted that she was informed by letter of the reasons for her ALWP and its initial duration, in accordance with Staff Rule 10.4(b).<sup>15</sup>

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<sup>11</sup> Impugned Judgment, para. 40.

<sup>12</sup> *Ibid.*, paras. 40-41.

<sup>13</sup> *Ibid.*, para. 39.

<sup>14</sup> *Ibid.*, para. 37.

<sup>15</sup> *Ibid.*, para. 50.

The reference to Section 11.3(e) instead of 11.3(b) of ST/AI/2017/1 in the contested decision was deemed a clerical error that did not fundamentally prejudice Ms. Hannina.<sup>16</sup> The UNDT also found that, since the disciplinary process was ongoing, the contested decision remained valid.<sup>17</sup> Last, the UNDT rejected as unsubstantiated Ms. Hannina's argument that the contested decision constituted double jeopardy.<sup>18</sup>

### *Procedures before the Dispute Tribunal*

23. On 6 September 2024, Ms. Hannina filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 9 December 2024.

## **Submissions**

### **Ms. Hannina's Appeal**

24. Ms. Hannina requests the Appeals Tribunal to rescind the contested decision and reinstate her in her position. She also seeks compensation "at the discretion of the Tribunal for reputational loss, moral damages, stress, and anxiety".

25. Ms. Hannina requests an oral hearing before the Appeals Tribunal, asserting that she was denied the opportunity to be heard before the UNDT.

26. Ms. Hannina submits that the UNDT erred in denying her request for an oral hearing. Specifically, she argues that the UNDT erroneously denied her the opportunity of calling the SRSG, the Chief, RCDS, and the Chief of Human Resources (CHRO), UNSMIL to testify regarding their motivations and rationale for the contested decision, as well as their assessment of her alleged responsibility for the delay in issuing the contract for one of the fact-finding panel's members. She further contends that by denying her request for an oral hearing, the UNDT also denied her the opportunity "to present and examine (...) the written evidence of the respective chronologies (...) which clearly and unambiguously contradict the purported rationale for placing [her] in ALWP, and keeping her on this status for an excessive period of time". She maintains that an oral hearing would have provided "additional information and an opportunity to question the witnesses".

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<sup>16</sup> *Ibid.*, para. 45.

<sup>17</sup> *Ibid.*, para. 47.

<sup>18</sup> *Ibid.*, para. 48.

27. Ms. Hannina argues that the UNDT ignored and disregarded some of the evidence she submitted and which, in her view, demonstrated that she did not delay the issuance of the contract for one of the fact-finding panel members – a point she identifies as the “main reason” for her placement on ALWP. On the contrary, she asserts that the “real delay” in hiring the panel member occurred between January to March 2023 and was attributable to the Administration. She specifically claims that the UNDT overlooked additional evidence provided on 11 January 2024, 21 June 2024, 3 July 2024 and in the CHRO’s e-mail dated 1 July 2024.<sup>19</sup>

28. Ms. Hannina contends that the UNDT disregarded the fact that, by the time of the closing submissions, the fact-finding panel had concluded its investigation and issued its report. Therefore, she could no longer “in any conceivable manner” have influenced the working of the panel. She also challenges the fact that she remained on ALWP even after the investigation had been concluded.

29. Ms. Hannina submits that not only the contested decision, but also the subsequent extensions of her ALWP, violated her due process rights. She also reiterates that the contested decision incorrectly referred to Section 11.3(e) instead of 11.3(b) of ST/AI/2017/1.

30. Ms. Hannina contends that the Administration’s decision to prolong her placement on ALWP negatively affected both her career and her physical and mental health. In support of these claims, she submits two medical reports from her psychologist dated 11 April 2024 and 4 October 2024 and indicates her intention to submit more detailed and comprehensive reports to the same effect.<sup>20</sup>

### **The Secretary-General’s Answer**

31. The Secretary-General requests the Appeals Tribunal to affirm the impugned Judgment and dismiss the appeal in its entirety.

32. The Secretary-General submits that the UNDT correctly dismissed Ms. Hannina’s application. He argues that the UNDT properly found the contested decision to be lawful, reasonable, proportionate, and in accordance with Section 11.3 of ST/AI/2017/1, as it was based on the fact that Ms. Hannina “contributed in delaying the formation of the fact-finding panel that

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<sup>19</sup> E-mail dated 1 July 2024 from the Administration to Ms. Hannina.

<sup>20</sup> Medical reports dated 11 April 2024 and 4 October 2024 from a psychologist and relating to Ms. Hannina’s health status.

was going to investigate the allegations against her” as well as the concern that her continued service in the Mission as Chief of Mission Support “could create a perception of impunity, which could affect the reputation of the Organization”.

33. The Secretary-General further contends that the contested decision was also procedurally correct, as Ms. Hannina was provided with a written statement explaining the reason for her placement on ALWP and its initial duration, in accordance with Staff Rule 10.4. He reiterates that the reference to Section 11.3(e) instead of 11.3(b) of ST/AI/2017/1 in the contested decision does not amount to a substantial procedural error warranting a reversal of the impugned Judgment.

34. The Secretary-General submits that Ms. Hannina failed to demonstrate any error warranting a reversal of the impugned Judgment.

35. The Secretary-General contends that the UNDT did not err in denying Ms. Hannina’s request for an oral hearing. He recalls that, under the applicable legal framework, the UNDT has broad discretion in deciding whether to hold an oral hearing and whether to call witnesses to testify before it.<sup>21</sup> In the present case, the Secretary-General maintains that the testimony of the witnesses Ms. Hannina sought to call was unnecessary, noting that the case record was sufficiently clear to allow the matter to be decided on the papers.

36. The Secretary-General asserts that the UNDT did not ignore or disregard the evidence submitted by Ms. Hannina. Specifically, he notes that the UNDT explicitly considered whether Ms. Hannina had interfered with the consultancy contract of one of the panel members. He adds that the UNDT’s finding – that she contributed to the delay – is supported by the case record, which shows that: i) on 23 March 2023, 9 April 2023, and 10 April 2023, she questioned whether the Chief of Staff had the delegated authority to sign the consultancy contract; and ii) she failed to copy the Officer-in-Charge (OiC), Chief of Staff, in her e-mail exchanges regarding the matter.

37. Regarding the e-mail dated 1 July 2024, the Secretary-General recalls that it is well established that the UNDT is not required to address each and every claim made by a litigant. He also notes that while the e-mail refers to both the panel member and the Office of Chief of Staff as contributing to a delay prior to 8 March 2023, it makes no reference “to the delay in processing the consultancy contract after 8 March 2023, which was when [Ms. Hannina] caused the delay”. In

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<sup>21</sup> The Secretary-General refers to Article 9(1) of the Dispute Tribunal Statute (UNDT Statute) and Articles 16, 17 and 19 of the Dispute Tribunal Rules of Procedure (UNDT Rules).



any event, even if the Appeals Tribunal were to find that Ms. Hannina did not cause a delay in issuing the consultancy contract, the Secretary-General submits that the reputational risk of allowing her to remain in her position during the investigation was sufficient to justify the contested decision under Section 11.3(c) of ST/AI/2017/1.

38. The Secretary-General contends that the UNDT did not disregard the fact that, by the time of the closing submissions, the fact-finding panel had concluded its investigation and issued a report. He emphasizes, however, that the decisions to extend Ms. Hannina's ALWP are not under review and therefore fall outside the Appeals Tribunal's jurisdiction.

39. Last, the Secretary-General argues that Ms. Hannina's request to submit additional documents – namely, two medical reports dated 11 April and 4 October 2024 – should be denied. He submits that she has not demonstrated any exceptional circumstances warranting the admission of new evidence at the appeals stage. In any event, even if the Appeals Tribunal were to admit the reports, he contends that, in the absence of any finding of illegality, no compensation can be awarded.

### **Considerations**

40. The contentious issues for determination in this appeal are: i) whether the UNDT erred in denying Ms. Hannina's request for an oral hearing; ii) whether the UNDT erred in finding the contested decision lawful; iii) whether Ms. Hannina's due process rights were respected; iv) whether Ms. Hannina's request to submit additional documents should be granted; and v) whether Ms. Hannina is entitled to compensation. We shall treat these issues in turn.

#### *Whether the UNDT erred in denying Ms. Hannina's request for an oral hearing*

41. Ms. Hannina filed a motion before the UNDT requesting an oral hearing to call four witnesses to "explain their actions, recommendations, rationales and motives concerning the contested decision".<sup>22</sup> She argued that the examination of the witnesses was "necessary to clarify the facts relied upon by the [Secretary-General]" that formed the basis of the decision to place her on ALWP, and which were not addressed in any of the Secretary-General's pleadings and submissions.<sup>23</sup>

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<sup>22</sup> Ms. Hannina's submission pursuant to Order No. 045 (NY/2024), para. 4.

<sup>23</sup> *Ibid.*, para. 6.

42. We note that the UNDT in Order No. 065 (NY/2024) of 11 June 2024 rejected Ms. Hannina's request for an oral hearing stating that the case record was "comprehensive" and there was "no irreconcilable dispute of facts between the parties".<sup>24</sup>

43. Nevertheless, she argues on appeal that the UNDT's denial of her request for an oral hearing negatively affected the outcome of the case, by denying her an opportunity to "examine the Head of Mission and [the Chief, Regional Conduct and Discipline Section in UNSMIL] on their motivations and links with relevant stakeholders". She further submits that the refusal of her request for an oral hearing equally denied her a chance to "bring clarity and examine the decision maker and his principal adviser, neither of whom was deposed in the UNDT proceedings". Ms. Hannina argues lastly that the UNDT erred in law and fact by denying her the opportunity to present and examine the written record, which she considers "clearly and unambiguously contradict[s] the purported rationale for placing her on ALWP".

44. We disagree.

45. Pursuant to Article 17(6) of the UNDT Rules, the Dispute Tribunal shall decide whether the personal appearance of the applicant or any other person is required at oral proceedings and the appropriate means to achieve that purpose. Furthermore, pursuant to Article 16(1) of the UNDT Rules, the judge assigned to a case will determine whether to hold oral proceedings.

46. We have consistently held that "the Dispute Tribunal has broad discretion with respect to case management including whether to call witnesses, to order an oral hearing, or to order production of documents".<sup>25</sup> As a court of first instance, the UNDT is in the best position to decide what is appropriate for the fair and expeditious disposal of the case and to do justice to the parties.<sup>26</sup> Furthermore, it is the appellant's burden to show that the Dispute Tribunal's decision not to hold an oral hearing affected the decision of the case.<sup>27</sup>

47. In the present case, Ms. Hannina's motive for calling the witnesses was to seek clarity of the contested decision and examine the "motivations and rationales" of the decision maker(s)

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<sup>24</sup> *Hannina v. Secretary-General of the United Nations*, Order No. 065 (NY/2024), para. 11.

<sup>25</sup> *ATT v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1412, para. 64 (internal footnote omitted).

<sup>26</sup> *Francis N. Fultang v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1403, para. 98.

<sup>27</sup> *Nimer v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2018-UNAT-879, para. 33.

claim. The evidence on record shows that the contested decision fully informed Ms. Hannina of the reasons for her placement on ALWP, cited the applicable legal framework, and notified her of her rights and obligations going forward. In our view, the oral testimonies of the witnesses Ms. Hannina sought to call were not necessary. The reasons for placing her on ALWP were clearly set out in the contested decision and did not require further explanation. Therefore, we consider that the UNDT's decision not to hold an oral hearing to allow the testimony of Ms. Hannina's witnesses did not materially affect the outcome of the case.

48. Moreover, we agree with the UNDT's conclusion that the case record was "comprehensive" and there was "no irreconcilable dispute of facts between the parties". As we have consistently stated, it is only necessary to hear witnesses where the relevant facts are unclear or the dispute of facts is irreconcilable, warranting a fuller examination for the purpose of assessing the credibility and reliability of the witnesses in order to reach sustainable findings on the probabilities.<sup>28</sup> This is not the case here.

49. Notwithstanding the above, the placement of a staff member on ALWP, though a non-disciplinary measure, is a serious step affecting the staff member's reputation. That is especially so when the placement is for a long period as in the instant case. Consequently, in considering a request for oral hearing, the UNDT should consider a broad range of criteria. However, after fully considering the evidence in the instant case, we find that the Administration's decision was justified.

50. Accordingly, we find that the UNDT did not err in denying Ms. Hannina's request for an oral hearing.

51. We equally note that Ms. Hannina has requested an oral hearing before the Appeals Tribunal on the grounds that she was denied the opportunity to be heard before the UNDT and to examine the Secretary-General. An oral hearing before the UNAT does not aim to provide any further oral evidence or otherwise, but rather to discuss elements of fact and law which are already on the record.<sup>29</sup> In light of our earlier conclusion that the UNDT did not err in denying

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<sup>28</sup> *AAO v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1361, para. 52; *AAC v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1370, para. 40.

<sup>29</sup> *Gabriel Vincent Branglidor v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1234, para. 32.

Ms. Hannina's request for an oral hearing, the same request before the UNAT is denied for the reasons aforementioned.

*Whether the UNDT erred in finding the contested decision lawful*

52. The Administration's discretion in administrative matters is well-established.<sup>30</sup> In *Yasin*, we held:<sup>31</sup>

... When judging the validity of the Administration's exercise of discretion in administrative matters, as in the present case, the first instance tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. It may consider whether relevant matters were ignored and irrelevant matters considered, and examine whether the decision is absurd or perverse. It is not the role of the first instance tribunal to consider the correctness of the choice made by the Administration amongst the various courses of action open to it. Nor is it the role of the first instance tribunal to substitute its own decision for that of the Administration.

53. Consequently, our role on appeal is to consider whether the UNDT rightly concluded that the contested decision was reasonable, proportionate, and procedurally correct in light of the applicable legal framework.<sup>32</sup>

54. The applicable legal framework in this context is Staff Rule 10.4 and Section 11.3 of ST/AI/2017/1.

55. Staff Rule 10.4 provides, in relevant parts:

(a) A staff member may be placed on administrative leave, subject to conditions specified by the Secretary-General, at any time after an allegation of misconduct and pending the completion of a disciplinary process. Administrative leave may continue until the completion of the disciplinary process.

(b) A staff member placed on administrative leave pursuant to paragraph (a) above shall be given a written statement of the reason(s) for such leave and its probable duration.

...

(d) Placement on administrative leave shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure (...)

56. Section 11.3 of ST/AI/2017/1 sets out the following:

<sup>30</sup> *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-084, para. 40.

<sup>31</sup> *Yasin v. Secretary-General of the United Nations*, Judgment No. 2019-UNAT-915, para. 44.

<sup>32</sup> Impugned Judgment, paras. 42 and 50.

... The decision to place a staff member on [ALWP] may be made by the authorized official at any time following a report of suspected unsatisfactory conduct and following the authorized official's determination that at least one of the following circumstances is met:

(a) The staff member is unable to continue effectively performing the staff member's functions, given the nature of those functions;

(b) Continued service by the staff member would create a risk that the staff member could destroy, conceal or otherwise tamper with potential evidence, or interfere in any way with the investigation or disciplinary process, including by retaliating against individuals protected under ST/SGB/2017/2 or intimidating a witness;

(c) The continued presence of the staff member on the Organization's premises or at the duty station could constitute a security or financial risk to the Organization and/or its personnel, or could otherwise prejudice the interests or reputation of the Organization;

(d) The staff member's continued presence at the office could have a negative impact on the preservation of a harmonious work environment;

(e) There is a risk of repetition or continuation of the unsatisfactory conduct.

57. To challenge the lawfulness of the contested decision, Ms. Hannina submits that the decision to place her on ALWP was contingent on her alleged interference with the issuance of a consultancy contract for a member of the fact-finding panel assigned to investigate her alleged misconduct. She argues that the UNDT erred by ignoring or disregarding the clear evidence which established that she did not at any stage seek to advance or obstruct the contracting of the consultant of the fact-finding panel.

58. The Secretary-General, for his part, submits that the UNDT did not ignore Ms. Hannina's submission or any evidence relating to her interference with the consultancy contract of a member of the fact-finding panel. He contends further that, in considering Ms. Hannina's role in the delay in issuing the consultancy contract, the UNDT correctly observed that she first approved the consultancy form and then waited 10 days to cast doubts on the same form with the SRSG. In addition, the Secretary-General notes that Ms. Hannina failed to copy relevant e-mail addresses in her e-mail to the SRSG, which would have ensured that her concerns with respect to the consultancy form were addressed promptly.

59. The UNDT found that the record established that Ms. Hannina's conduct contributed to the delay and created "reasonable perceptions of interference and/or influence".<sup>33</sup>

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<sup>33</sup> *Ibid.*, para. 40.

60. In our view, the material issue here is whether Ms. Hannina's position created a genuine risk of interference in the ongoing investigation, justifying the Administration's decision to place her on ALWP. We note that, as Chief of Mission Support at the D-1 level, Ms. Hannina was in a position of power and influence to affect or interfere covertly or overtly, with an ongoing investigation into her own conduct. The fact that the Administration provided her with the names of the members of the fact-finding panel assigned to investigate her alleged misconduct, and that she was in a position to approve the consultancy contract of one of them created a conflict of interest and a genuine risk of interference in the investigation. This alone sufficiently justified her placement on ALWP pursuant to Section 11.3(b) of ST/AI/2017/1. Therefore, the fact that she did or did not delay the issuance of the consultancy contract is of little or no relevance in this context.

61. Furthermore, given the level of the post occupied by Ms. Hannina and the nature of the investigation, we agree that her continued presence at the duty station was not appropriate at that time. It is not contested that the seniority of the position of Chief of Mission Support commands some level of influence and operational or functional control over a wide number of subordinates. Therefore, her continued presence in that position in the course of an ongoing investigation or disciplinary process against her could have caused prejudice to the interests or reputation of the Organization or had a negative impact on the preservation of a harmonious work environment. This further justifies her placement on ALWP in conformity with Section 11.3(c) and (d) of ST/AI/2017/1.

62. Moreover, a review of the contested decision shows that the basis for Ms. Hannina's placement on ALWP was the receipt of a complaint of possible unsatisfactory conduct and the subsequent convening of a fact-finding panel to investigate the alleged misconduct. In this vein, allegations of misconduct and the start of an investigation are clear circumstances that warrant the placement of a staff member, in this case Ms. Hannina, on ALWP under Staff Rule 10.4(a).

63. Section 11.3 of ST/AI/2017/1 cited above sets out the five conditions under which the authorized official may decide to place a staff member on ALWP. The Administration needs to establish that at least one of the five conditions is met to justify its decision. In addition, we agree with the Administration that the staff member's seniority, the circumstances surrounding the alleged misconduct and the risk of a perception of impunity for senior officials affecting the credibility of the Organization's accountability mechanisms are other determining factors in

reaching the decision to place a staff member on ALWP.<sup>34</sup> In the present case, we find that the contested decision fulfilled those requirements.

64. Accordingly, we find that the UNDT did not err in finding that the contested decision was lawful.

*Whether Ms. Hannina's due process rights were respected*

65. Ms. Hannina asserts that her due process rights have been “continuously violated”. She argues that after her placement on ALWP, the “injustice was further worsened by the five extensions of the administrative leave, all following the same reasons and conditions” as the contested decision. She further submits that, after the conclusion of the investigation and the submission of the report of the fact-finding panel, she could not have influenced the panel’s work anymore, and her ALWP was consequently unlawfully prolonged without a rationale. The Secretary-General argues that the UNDT did not disregard the fact that the fact-finding panel had concluded its investigation and issued its report.

66. Quite apart from the fact that the decisions extending Ms. Hannina’s ALWP are not under judicial review and fall outside the scope of the UNAT’s jurisdiction, the contested decision placed her on ALWP for an “initial period of three months, or until completion of any disciplinary process whichever [was] earlier”. This duration is consistent with Staff Rule 10.4(a) which provides that an administrative leave may continue until the completion of the disciplinary process. It is understood that the conclusion of an investigation does not mark the end of the disciplinary process. On the contrary, the disciplinary process is a separate stage, as reflected by Staff Rule 10.3(a), which states that the Secretary-General “may initiate a disciplinary process where the findings of an investigation indicate that misconduct may have occurred”.

67. Ms. Hannina’s argument that her due process rights were violated because the contested decision incorrectly referred to Section 11.3(c) and (e) of ST/AI/2017/1 instead of Section 11.3(b) and (c) is not tenable. This argument merely repeats the contentions she submitted before the UNDT and is therefore not receivable on appeal. Moreover, the UNDT rightly concluded that this was a clerical error, which, in any event, was not fundamentally prejudicial to her.<sup>35</sup> We recall that

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<sup>34</sup> *Ibid.*, para. 34.

<sup>35</sup> *Ibid.*, para. 45.

only substantial procedural irregularities can render an administrative decision unlawful,<sup>36</sup> which is not the case here. These are minor technicalities which cannot override the fundamental objective of ensuring substantive justice.

68. Similarly, evidence on the record indicates that the Administration respected Ms. Hannina's due process rights in reaching the contested decision. In the instant case, OIOS forwarded the complaint it received concerning her to UNSMIL for appropriate action. A fact-finding panel was subsequently established to investigate the alleged misconduct. After that, she was informed of the Administration's decision to set up the fact-finding panel, as well as the names of its members. She was further notified in writing of her placement on ALWP, the reasons for such leave and its probable duration in accordance with Staff Rule 10.4(b).

69. Therefore, we find from the foregoing that Ms. Hannina's due process rights were respected.

*Whether Ms. Hannina's request to submit additional documents should be granted*

70. Ms. Hannina argues that her mental and physical health has been "exacerbated" by her continued and prolonged placement on ALWP. To support her contentions, she submits two letters dated 11 April and 4 October 2024 from her psychologist and is seeking leave to submit a more detailed and comprehensive report to support her claim for compensation.

71. The Secretary-General argues that her request to submit additional documents should be denied. We agree. Indeed, as we held in *Asmaa Abdullah Nassir Al-Timimi*, our finding that the contested decision was lawful precludes us from awarding compensation and, therefore, "the additional and new evidence provided by [Ms. Hannina] in the appeal is irrelevant and immaterial, regardless of whether it is admissible due to exceptional circumstances as required by Article 2(5) of the Statute".<sup>37</sup>

72. Hence, Ms. Hannina's request to submit additional documents is, on this basis, denied.

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<sup>36</sup> *Thiombiano v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-978, paras. 34 and 38.

<sup>37</sup> *Asmaa Abdullah Nassir Al-Timimi v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1481, para. 42.



*Whether Ms. Hannina is entitled to compensation*

73. Ms. Hannina requests compensation at the UNAT's discretion for reputational loss, moral damages, stress, and anxiety. She argues that her continuous placement on ALWP has caused reputational damage to her person. She further submits that her prolonged placement on ALWP has taken a toll on her mental and physical health. In addition, she contends that she has endured financial and accommodation difficulties for herself and her family for the past 18 months she has been placed on ALWP.

74. As there has been no illegality established, Ms. Hannina's claim for remedies cannot be granted.

75. Finally, we recall that an ALWP is a non-punitive and non-disciplinary measure. On the contrary, it is purely administrative and non-permanent. Ms. Hannina continued to receive her full salary throughout the duration of the administrative leave.

**Judgment**

76. Ms. Hannina's appeal is dismissed, and Judgment No. UNDT/2024/048 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 27<sup>th</sup> day of June 2025 in New York, United States.

*(Signed)*

Judge Forbang, Presiding

*(Signed)*

Judge Colgan

*(Signed)*

Judge Sandhu

Judgment published and entered into the Register on this 31<sup>st</sup> day of July 2025 in New York, United States.

*(Signed)*

Juliet E. Johnson,  
Registrar