



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1588

**Dorah Likukela
(Appellant)**

v.

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

JUDGMENT

Before:	Judge Gao Xiaoli, Presiding Judge Leslie F. Forbang Judge Kanwaldeep Sandhu
Case No.:	2025-2000
Date of Decision:	31 October 2025
Date of Publication:	17 November 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Rupa Mitra

JUDGE GAO XIAOLI, PRESIDING.

1. Ms. Dorah Likukela (Ms. Likukela), a former staff member of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), contested the decision to impose on her the disciplinary measure of separation from service, with compensation in lieu of notice and without termination indemnity, for serious misconduct (contested decision).

2. On 7 February 2025, by Judgment No. UNDT/2025/006 (impugned Judgment),¹ the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed Ms. Likukela's application.

3. Ms. Likukela 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. Ms. Likukela commenced her service with the United Nations in February 2007 as a Resident Investigator with the Office of Internal Oversight Services (OIOS), at the P-3 level, at the United Nations Mission in Sudan (UNMIS). In February 2008, she transferred to the United Nations Mission in East Timor (UNMIT), in the Serious Crimes Investigation Team, as an Investigator at the same level.²

6. On 30 June 2013, Ms. Likukela separated from service.

7. In July 2013, the Organization instructed the United Nations Federal Credit Union (UNFCU) to process payroll payments amounting to USD 587,428.65 for some staff members holding UNFCU accounts.³

¹ *Likukela v. Secretary-General of the United Nations*, Judgment No. UNDT/2025/006.

² UNDT Reply, Annex R-2, Investigation Report, paras. 8-9.

³ UNFCU is a not-for-profit financial cooperative established under and subject to the laws of the United States of America.

8. On 1 August 2013, an amount of USD 587,428.65 was erroneously transferred to Ms. Likukela's UNFCU savings account.

9. Beginning on 2 August 2013, Ms. Likukela started spending the transferred funds. Specifically, between August and September 2013, she made several purchases including, *inter alia*, a new house, a motor vehicle, electronic devices, and clothing. She also repaid outstanding UNFCU loans and incurred travel and medical expenses.⁴

10. On 13 September 2013, during a reconciliation exercise of its accounts, UNFCU discovered the error made regarding the transfer of USD 587,428.65. Consequently, on 16 September 2013, the UNFCU Vice President, Security and Investigations (UNFCU Vice President), contacted Ms. Likukela by phone to discuss the erroneously transferred amount and requested her to return the amount to UNFCU.⁵

11. On 18 September 2013, Ms. Likukela informed the UNFCU Vice President, by e-mail that she would provide a repayment plan but subsequently failed to do so.⁶

12. Later that month, UNFCU offset the amount owed by Ms. Likukela against her remaining UNFCU accounts, which totaled approximately USD 99,800.00 as of September 2013.⁷

13. On 5 February 2014, UNFCU filed a restitution claim against Ms. Likukela with the High Court of Zambia (High Court), located in Lusaka, registered as Case No. 2014/HPC/0057, seeking recovery of USD 487,216.20.⁸

14. On 20 February 2014, Ms. Likukela filed a defense and a counterclaim for want of prosecution, alleging that the amount deposited into her account constituted an expected payment from the Organization for an injury claim filed with the Advisory Board on Compensation Claims (ABCC) and that UNFCU "irregularly siphoned" this amount by "illegally" deducting it from her account.⁹

⁴ Letter of allegations of misconduct dated 20 February 2024, para. 10.

⁵ *Ibid.*, paras. 11-12.

⁶ *Ibid.*, para. 12.

⁷ See impugned Judgment, footnote 1: "After the set off, the total amount to be recovered from [Ms. Likukela] should have been around USD 487,628.65. However, the statement of claim filed with the High Court only mentioned USD 587,016.20. For this reason, in the case that was filed against [Ms. Likukela], UNFCU only sought to recover USD 487,216.20."

⁸ Letter of allegations of misconduct dated 20 February 2024, para. 14.

⁹ *Ibid.*, para. 15.

15. On 13 December 2020, Ms. Likukela rejoined the Organization as MONUSCO Chief of the Special Investigations Unit, at the P-4 level.¹⁰

16. On 14 December 2020, OIOS received a report of misconduct implicating Ms. Likukela, raising concerns regarding her integrity and suitability for the position. Specifically, the report alleged that she engaged in “fraud and misrepresentation in connection with a legal dispute with (...) UNFCU in which USD 587,000 was erroneously credited to her UNFCU account in 2013”.¹¹ Following its receipt of the report of alleged misconduct, OIOS opened an investigation.

17. On 23 February 2021, the High Court held a hearing of Case No. 2014/HPC/0057, to which Ms. Likukela failed to appear.

18. On 4 March 2021, OIOS interviewed Ms. Likukela. During her interview, she stated that during the proceedings before the High Court, UNFCU failed to submit evidence supporting its defense to her counterclaim, resulting in her “entering” and “winning” a default Judgment against UNFCU (Default Final Judgment), effective April 2017. On 4 and 16 March 2021, Ms. Likukela provided OIOS with a copy of the Default Final Judgment, which was undated, unsigned, and unstamped.¹²

19. On 13 July 2022, the High Court issued its Judgment in Case No. 2014/HPC/0057 (13 July 2022 Judgment), concluding that Ms. Likukela “knew or ought to have known that the money that she used did not represent her terminal benefits”. The High Court noted that, based on the evidence, she was only entitled to terminal benefits amounting to USD 28,256.30, which were paid on 31 July 2013, and that UNFCU was entitled to offset those benefits against her outstanding loans under Section 6 of Administrative Instruction ST/AI/2000/12 (Private legal obligations of staff members). Therefore, the High Court ordered Ms. Likukela to make restitution of USD 487,216.20 to UNFCU within 30 days of the Judgment, with interest at the rate of two per cent per annum from 1 August 2013. Her counterclaim for want of prosecution was also dismissed.¹³

20. In the meantime, OIOS requested assistance from the Department of Safety and Security (DSS) to verify the authenticity of the two alleged High Court Judgments. As a result, on

¹⁰ UNDT Reply, Annex R-2, Investigation Report, para. 9.

¹¹ *Ibid.*, paras. 2-3.

¹² *Ibid.*, paras. 85-87. See also letter of allegations of misconduct dated 20 February 2024, paras. 25-26 and alleged default Judgment submitted by Ms. Likukela to OIOS.

¹³ Judgment of the High Court in Case No. 2014/HPC/0057 dated 13 July 2022.

30 October 2023, the DSS Security Advisor formally requested the Chief Registrar of the High Court to confirm the authenticity of these Judgments.

21. On 2 November 2023, the Chief Registrar informed OIOS by letter that the Default Final Judgment submitted by Ms. Likukela “was neither filed at the Judiciary, nor issued by the Judiciary”. As for the 13 July 2022 Judgment, the Chief Registrar confirmed its authenticity, affirming it as “the true and correct copy of the final judgment which was delivered in the matter under Case No. 2014/HPC/0057”.

22. On 29 December 2023, OIOS issued its Investigation Report, in which it found that:¹⁴

(i) In July 2013, Ms. Likukela, a Zambian national, was credited USD 587,428.65 by UNFCU and has failed to repay the monies despite being so ordered by the High Court for Zambia in July 2022 in Judgment No. 2014/HPC/0057;

(ii) Ms. Likukela provided OIOS with a fraudulent adaptation of the High Court’s judgment;

(iii) Ms. Likukela made a series of misrepresentations in her responses to the High Court for Zambia, the United Nations Tribunals, as well as to OIOS.

23. Consequently, OIOS referred the case to the Office of Human Resources (OHR) and the Office of Legal Affairs (OLA) for appropriate action.¹⁵

24. On 20 February 2024, the Director, Administrative Law Division (ALD), OHR, informed Ms. Likukela by memorandum that the following allegations of misconduct had been issued against her:¹⁶

a. From 14 December 2020, you have refused to return and/or make arrangements for the return to UNFCU of funds totaling USD 487,216.20, despite UNFCU’s demand and your awareness that the funds were erroneously transferred to your account;

b. From 13 July 2022, you have failed to comply with the High Court of Zambia’s lawful order to return to UNFCU the amount of USD 487,216.20, which UNFCU erroneously credited to your account, with interest at the rate of 2 per cent per annum from 1 August 2013; and

c. In March 2021, in your submissions to OIOS in the context of an investigation into the legal dispute between you and UNFCU, you provided OIOS investigators with false documentation and/or misrepresented the nature of the document indicating that it was a

¹⁴ UNDT Reply, Annex R-2, Investigation Report, para. 4.

¹⁵ *Ibid.*, para. 5.

¹⁶ Letter of allegations of misconduct dated 20 February 2024, para. 37.

final judgment filed with and/or issued by the High Court of Zambia to dispose of the dispute between you and UNFCU, when no such document or judgment had been filed with and/or issued by the High Court in the case.

25. Ms. Likukela was invited to provide her written comments on the factual findings, which she did on 10 April 2024.¹⁷

26. On 20 May 2024, the Assistant Secretary-General for Human Resources (ASG/OHR) informed Ms. Likukela by letter of the decision of the Under-Secretary-General for Management Strategy, Policy and Compliance (USG/DMSPC) that the allegations against her had been substantiated by clear and convincing evidence and constituted serious misconduct pursuant to Staff Regulation 1.2(b) and (f) and Staff Rule 1.2(b), in respect of which the disciplinary measure of separation from service, with compensation in lieu of notice and without termination indemnity was imposed.¹⁸

27. On 24 May 2024, Ms. Likukela filed an application with the Dispute Tribunal challenging the contested decision.

Impugned Judgment

28. On 21 January 2025, the UNDT held a hearing on the merits of the case, during which it heard oral evidence from Ms. Likukela.

29. On 7 February 2025, the UNDT issued the impugned Judgment, dismissing Ms. Likukela's application.

30. The UNDT found that the essential facts underpinning the disciplinary measure were admitted by Ms. Likukela. Specifically, it noted that Ms. Likukela agreed that: i) USD 587,428.65 suddenly appeared in her UNFCU account in August 2013 and that she then began withdrawing the funds; ii) she was subsequently informed by the UNFCU Vice President that the transferred funds had been deposited in error; iii) she then informed UNFCU that she would provide a repayment plan but she actually never returned the funds; iv) a High Court Judgment was issued against her in Case No. 2014/HPC/0057 in favor of UNFCU, which she neither appealed nor complied with; v) she submitted the Default Final Judgment to OIOS, claiming that it was a final

¹⁷ Impugned Judgment, para. 19.

¹⁸ Sanction Letter dated 20 May 2024.

Judgment entered in her favor against UNFCU and signed by a judge. However, at the UNDT hearing, she testified that the Judgment was not signed by a judge.¹⁹

31. Turning to Ms. Likukela's various arguments justifying her non-reimbursement, the UNDT, relying on *Benamar*,²⁰ held that it was "bound by the Zambian High Court's determination that UNFCU had provided [her] with evidence that the funds had been erroneously transferred to her account".²¹

32. The UNDT rejected her assertion that the amount of USD 587,428.65 represented separation benefits or an ABCC injury claim payment, noting that she provided no supporting evidence to that effect. It further emphasized that the ABCC had determined she was not entitled to such compensation, a finding affirmed by both the UNDT and the UNAT.²² The UNDT also confirmed that her separation benefits, paid separately, did not amount to USD 587,428.65.²³

33. The UNDT found the Default Final Judgment submitted by Ms. Likukela to be a falsified document with no legal effect.²⁴

34. The UNDT found that Ms. Likukela's claims of conspiracy, alleged interference from OIOS to stop deliberations from the African Commission on Human and Peoples' Rights, and alleged theft of a 2000 job offer from the International Criminal Tribunal for Rwanda (ICTR) were unrelated to the contested decision and beyond its jurisdiction.²⁵

35. The UNDT dismissed Ms. Likukela's reliance on her privileges and immunities, concluding that the legal proceedings initiated by UNFCU were clearly against her in a private/non-official capacity, thereby obliging her to honour her private legal obligations. In any event, it held that if she believed the matter raised her privileges and immunities, she should have immediately reported it to the Secretary-General, as required by Staff Regulation 1.1(f). Her failure to do so

¹⁹ Impugned Judgment, paras. 30-33.

²⁰ *Benamar v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-797, paras. 44 and 48.

²¹ Impugned Judgment, para. 41.

²² In this regard, see *Likukela v. Secretary-General of the United Nations*, Judgment No. UNDT/2016/180 and *Likukela v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-737.

²³ Impugned Judgment, para. 36.

²⁴ *Ibid.*, para. 42.

²⁵ *Ibid.*, para. 43.

constituted a “waiver of this defense”. Similarly, the UNDT held that since Ms. Likukela voluntarily filed a counterclaim with the High Court, she thereby effectively accepted its jurisdiction.²⁶

36. Therefore, the UNDT concluded that the facts on which the disciplinary measure was based had been established by clear and convincing evidence. It further held that Ms. Likukela did not argue that the facts did not amount to misconduct or that the sanction was disproportionate. It emphasized that her conduct was particularly “egregious given her previous roles in the United Nations as an investigator and as Chief of the Special Investigations Unit”.²⁷

37. Finally, the UNDT held that Ms. Likukela’s due process rights had been respected during both the investigation and the disciplinary process. It noted that she had been properly interviewed, given opportunities to submit additional supporting documentation and comments and rejected her claims of bias and discrimination due to lack of evidence.²⁸

*Procedure before the Appeals Tribunal*²⁹

38. On 8 February 2025, Ms. Likukela filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 11 April 2025.

Submissions

Ms. Likukela’s Appeal

39. Ms. Likukela requests the Appeals Tribunal to reverse the impugned Judgment, rescind the contested decision, and reinstate her in her position. She also seeks compensation for moral harm and reimbursement of her legal costs.³⁰

40. Ms. Likukela also requests an oral hearing before the Appeals Tribunal.

41. Ms. Likukela submits that the UNDT erroneously disregarded evidence and arguments she submitted. Specifically, she alleges that the UNDT ignored: i) the “theft” of the Default Final Judgment rendered in her favor, along with evidence that was “stolen” at the time she was

²⁶ *Ibid.*, paras. 44-47.

²⁷ *Ibid.*, paras. 28, 48 and 56.

²⁸ *Ibid.*, paras. 49-55.

²⁹ On 7 July and 3 September 2025, the UNAT respectively issued Order No. 604 and Order No. 612, rejecting Ms. Likukela’s Motion for additional pleadings, Motion for Permission to File Comments on the Secretary-General’s answer and Motion for Correction of Order No. 604.

³⁰ Ms. Likukela also requests several other measures unrelated to the contested decision.

attacked; ii) the acts of “pillaging, torture and attempts on [her] life”, allegedly perpetrated by certain United Nations staff members and their associated judges and lawyers; iii) a decision from the African Commission on Human and Peoples’ Rights and its communication to Zambia, as well as her reports to the U.S. federal authorities; iv) that she had no control over the payment made in her UNFCU account; v) that she submitted an injury claim with the ABCC, “on which (...) payment was possibly raised and then destroyed after moving the money”; and vi) her claim that, in 2017, a Default Final Judgment had been issued in her favor and against UNFCU.

42. Ms. Likukela argues that the UNDT erred in procedure by relying on “unfounded unsupported false fabrications and predatory statements” that she denies making.

43. Ms. Likukela contends that the UNDT misapplied the standards of clear and convincing evidence and judicial review as well as the applicable jurisprudence.³¹ She further asserts that the UNDT erred in relying on the Secretary-General’s evidence without independently verifying its credibility and authenticity.

44. Ms. Likukela submits that the UNDT erred in law and exceeded its jurisdiction by relying on the 13 July 2022 Judgment issued by the High Court, which she characterizes as “moot, null, and void”, and alleges was obtained illegally in violation of both customary and international law. She argues that the principle of *res judicata* precluded the UNDT from relying on that Judgment.

45. Ms. Likukela contends that the UNDT failed to consider or misinterpreted her immunities under the Convention on the Privileges and Immunities of the United Nations and Staff Regulation 1.1(f). She reiterates that the High Court lacked jurisdiction over the matter.

46. Ms. Likukela argues that the UNDT erred in concluding that her due process rights were respected during the investigation and the disciplinary process. She reiterates that she was denied the opportunity to challenge the 13 July 2022 Judgment and was not interviewed by OIOS regarding any of the allegations raised against her. She also claims that OIOS did not conduct any investigation into the allegations that led to the contested decision but rather produced a flawed Investigation Report, based on a “maliciously instigated investigation”.

³¹ Ms. Likukela specifically relies on *Sisay Negussie v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-1033 and *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-084.

47. Finally, Ms. Likukela submits that the disciplinary measure imposed on her was unreasonable and disproportionate in the circumstances, asserting that she committed no wrongdoing as she is “a victim of a serious femicide white collared racketeering conspiracy”. She also argues that the UNDT failed to consider “alternative dispute resolution and arbitration”.

The Secretary-General’s Answer

48. The Secretary-General requests the Appeals Tribunal to dismiss the appeal and affirm the impugned Judgment.

49. Regarding Ms. Likukela’s request for an oral hearing, the Secretary-General does not submit any specific argument.

50. The Secretary-General submits that the UNDT correctly found that the facts on which the disciplinary measure was based had been established by clear and convincing evidence. He further contends that the UNDT properly concluded that the essential facts underpinning the contested decision were not in dispute.

51. The Secretary-General argues that Ms. Likukela has failed to demonstrate any error in the UNDT’s findings, which are based on undisputed facts. On the contrary, he asserts that her claims lack “details or explanations” and fail to identify any error warranting a reversal of the impugned Judgment. He maintains that her arguments merely express her disagreement with the UNDT’s findings, which is insufficient to overturn the UNDT’s conclusions. Specifically, regarding Ms. Likukela’s contention that the UNDT erroneously disregarded evidence and arguments she submitted, the Secretary-General highlights that “none of her arguments include any explanation of how the Judgment would have been different if the UNDT had not ‘disregarded’ or ‘ignored’ the matters alleged”, nor do they contain “references or citations to submissions or evidence in the record before the UNDT, or even to the Judgment itself”. Furthermore, the Secretary-General emphasizes that the UNDT did in fact address and lawfully reject the arguments that Ms. Likukela raised. In any event, relying on *Abu Jarbou*,³² the Secretary-General recalls that the UNDT does not have to address each and every claim made by a litigant, especially when this claim has no merit.

³² *Abu Jarbou v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2013-UNAT-292, para. 47.

52. The Secretary-General submits that the UNDT properly assessed the evidence before it and argues that Ms. Likukela's contention – that the UNDT improperly relied on the Secretary-General's evidence without independently verifying its credibility and authenticity – fails to establish any error in the impugned Judgment. He recalls that the UNDT has broad discretion in determining both the admissibility of evidence and the weight to be attached to it. Similarly, he maintains that the UNDT properly exercised this discretion when deciding to rely on the 13 July 2022 Judgment and to reject the alleged Default Final Judgment submitted by Ms. Likukela.

53. The Secretary-General submits that the UNDT correctly denied Ms. Likukela's claims regarding her alleged privileges and immunities, noting that her contrary arguments are unsupported by facts or law and amount to a mere disagreement with the UNDT's conclusions. He further observes that, contrary to her contention, the UNDT analyzed her alleged privileges and immunities in light of the applicable legal framework. In this regard, the Secretary-General notes that privileges and immunities under Article 105 of the United Nations Charter are granted to staff members to enable the Organization to execute its mandates, not to exempt staff members from their private legal obligations. Accordingly, he asserts that the UNDT "correctly noted that (...) because the dispute was between [Ms. Likukela] and UNFCU, and the judgment issued by the High Court requiring [her] to return the Transferred Funds to UNFCU was of a private nature, [she] could not invoke the Organization's privileges and immunities to claim that she was immune from executing the High Court's orders".

54. The Secretary-General contends that the UNDT correctly dismissed Ms. Likukela's claim that her due process rights had not been respected. He asserts that the UNDT properly dismissed Ms. Likukela's "disingenuous and baseless" contention that she was never interviewed by OIOS.

55. Regarding Ms. Likukela's arguments to the effect that the 13 July 2022 Judgment issued by the High Court is "moot, null, and void", the Secretary-General recalls that, pursuant to Appeals Tribunal jurisprudence, "where a staff member complains of procedural errors in the judgment issued by a Member State of the Organization, as is the case here, it is for that staff member to litigate the matter in the relevant national court system, not in the Organization's internal justice system".³³

³³ Appeal brief, para. 37 referring to *Koffi Gilles Wilfried Amani v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1301, para. 59.

56. The Secretary-General submits that the UNDT correctly found that Ms. Likukela had not argued that the sanction imposed on her was disproportionate to the misconduct with which she was charged. He notes that her arguments to the contrary again merely express her disagreement with the UNDT's findings. As for her contention that the UNDT failed to consider "alternative dispute resolution and arbitration", the Secretary-General argues that this assertion is "irrelevant, unsupported, or outside of the UNDT's jurisdiction". In any event, he states that it is well-settled that "any form of dishonest conduct, which characterizes [Ms. Likukela]'s conduct, compromises the necessary relationship of trust between employer and employee and will generally warrant dismissal".³⁴

57. The Secretary-General contends that Ms. Likukela has failed to demonstrate any error in the UNDT's judicial review and application of Appeals Tribunal jurisprudence. He notes that her arguments to the contrary again merely reflect her disagreement with the UNDT's conclusions.

58. Last, the Secretary-General submits that Ms. Likukela's numerous other claims should be dismissed as irrelevant, baseless, and/or outside of the UNDT's jurisdiction.

Considerations

Request for an oral hearing

59. Ms. Likukela requests an oral hearing before the Appeals Tribunal. She claims that an oral hearing is needed: "to revisit all the evidence [she] provided and take the [Secretary-General] to strict proof"; to prove that the Secretary-General's submissions are predatory and were planned to suit his false accusations against her; to demonstrate that "[she is] the victim herein and [she] cannot be punished or held accountable for other people's action[s]"; to show that "the 13 July 2022 Judgment was illegally obtained in violation of [her] due process rights"; to "call some Zambian Judges and others as witnesses of the pillaging"; and, to show that the Zambian Judge "who delivered the 13 July 2022 Judgment (...) did not have [j]urisdiction in the [s]ubject matter and over the parties and to resurrect invalid proceeding[s]".³⁵

60. Article 8(3) of the Appeals Tribunal Statute (Statute) and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules) govern oral hearings before the Appeals Tribunal.

³⁴ *Koffi Gilles Wilfried Amani* Judgment, *op. cit.*, para. 62.

³⁵ Appeal form, pp. 13-14.

61. Specifically, Article 8(3) of the Statute provides that “[t]he judges assigned to a case will determine whether to hold oral proceedings”.

62. Article 18(1) of the Rules stipulates that “[t]he judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case”.

63. The rationale for the Appeals Tribunal to grant an oral hearing is that it would assist in the “expeditious and fair disposal of the case”. In the present case, there is no indication that an oral hearing would serve that purpose.

64. The UNDT conducted an oral hearing, during which Ms. Likukela gave oral testimony and was cross-examined by the Secretary-General’s counsel. After the hearing, Ms. Likukela submitted her closing submission and a “Post Closing Submission”. The record before the UNDT is extensive and comprehensive, and the UNDT properly considered all the submissions, including Ms. Likukela’s additional arguments.

65. Therefore, we find that there is no need for an oral hearing, as the factual and legal issues arising from this appeal have been clearly defined by the parties. Furthermore, as we have consistently held, an appeal before this Tribunal is not a rehearing of the matter. Rather, it allows the parties to appeal on narrow grounds, such as errors of law, fact, or jurisdiction of the first instance tribunal, not to further elaborate on the evidence.

66. In light of the foregoing, Ms. Likukela’s request for an oral hearing is denied.

Merits of the appeal

67. Since its establishment, the role of the UNDT has been to conduct a judicial review of an administrative decision to impose a disciplinary measure. The well-established standard of judicial review in disciplinary cases is reflected in Article 9(4) of the Dispute Tribunal Statute (UNDT Statute), adopted on 22 December 2023, and which provides:

In hearing an application to appeal an administrative decision imposing a disciplinary measure, the Dispute Tribunal shall pass judgment on the application by conducting a judicial review. In conducting a judicial review, the Dispute Tribunal shall consider the record assembled by the Secretary-General and may admit other evidence to make an assessment on whether the facts on which the disciplinary measure was based have been established by evidence; whether the established facts legally amount to misconduct;

whether the applicant's due process rights were observed; and whether the disciplinary measure imposed was proportionate to the offence.

68. The jurisdiction of the Appeals Tribunal is set out in Article 2(1) of the Statute, which provides:

The Appeals Tribunal shall be competent to hear and pass judgement on an appeal filed against a judgement rendered by the United Nations Dispute Tribunal in which it is asserted that the Dispute Tribunal has:

- (a) Exceeded its jurisdiction or competence;
- (b) Failed to exercise jurisdiction vested in it;
- (c) Erred on a question of law;
- (d) Committed an error in procedure, such as to affect the decision of the case; or
- (e) Erred on a question of fact, resulting in a manifestly unreasonable decision.

69. In the instant case, the UNDT correctly found that Ms. Likukela did not dispute that the facts upon which the contested decision was based amounted to misconduct or that the sanction imposed was disproportionate to the misconduct. Even if, on appeal, Ms. Likukela raises arguments on the unreasonableness of the sanction, in our view, her appeal is not against the proportionality of the sanction but rather whether the underlying facts were established. Therefore, the main issue for consideration by the Appeals Tribunal is whether the UNDT erred on a question of law or fact, leading to an unreasonable decision when it held that: i) the facts in support of the allegations against Ms. Likukela were established by clear and convincing evidence; and ii) her due process rights were respected during the investigation and the disciplinary process.

Whether the UNDT erred in finding that the alleged facts were established by clear and convincing evidence

70. Ms. Likukela submits that the UNDT misapplied the standard of proof applicable in disciplinary cases. She asserts that the findings of misconduct were based on inferences, fabricated falsehoods and improper reliance on the illegally obtained and moot 13 July 2022 Judgment, rather than on direct evidence.

Did the UNDT err in relying on the 13 July 2022 Judgment issued by the High Court?

71. First, on 2 November 2023, the Chief Registrar of the High Court confirmed to OIOS the authenticity of the 13 July 2022 Judgment, describing it as "the true and correct copy of the final

judgment which was delivered in the matter under Case No. 2014/HPC/0057”. In addition, the Chief Registrar informed OIOS that the Default Final Judgment submitted by Ms. Likukela “was neither filed at the Judiciary, nor issued by the Judiciary”. On the other hand, at the UNDT hearing, Ms. Likukela testified that the Default Final Judgment she submitted was not signed by a judge. Consequently, the UNDT had valid grounds to conclude that this “purported final judgment was a falsified document created by [Ms. Likukela] and ha[d] no legal validity or effect”.³⁶ Furthermore, the Default Final Judgment submitted by Ms. Likukela could not give rise to *res judicata*, as she asserted. Therefore, the UNDT was correct in relying on the 13 July 2022 Judgment, but not on the so-called Default Final Judgment.

72. Second, Ms. Likukela avers that the 13 July 2022 Judgment is “moot, null and void” and was obtained illegally. However, as this is a valid Judgment of the High Court, it has full legal effect unless overturned. If Ms. Likukela was not satisfied with the 13 July 2022 Judgment, she should have sought recourse to reverse the Judgment according to the judicial framework in Zambia. As we mentioned in *Benamar*:³⁷

... (...) The Organization’s internal justice system does not have jurisdiction over civil cases concerning the private or personal life of its staff members (...). Although this is an international tribunal, it does not have a jurisdictional function over the Member States of the Organization, nor over their nationals. Both the Dispute Tribunal and the Appeals Tribunal are administrative and internal courts, designed to deal with administrative decisions concerning the Organization’s staff members and other cases within the narrow scope of competence accorded by Article 2(1) of their respective Statutes.

73. Third, Staff Rule 1.2(b) clearly provides that “[s]taff members must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts”. Therefore, “although a decision of a national court may be subject to criticism by both parties (and also by a third party), it must be obeyed if and to the extent that it is enforceable. Consequently, the parties should generally comply with an executable judicial decision; otherwise they would be taking justice into their own hands, which is not acceptable according to general principles based on the rule of law”.³⁸ Accordingly, Ms. Likukela was obligated to respect the 13 July 2022 Judgment, and her failure to do so cannot be excused under Staff Rule 1.2(b).

³⁶ Impugned Judgment, para. 42.

³⁷ *Benamar* Judgment, *op. cit.*, para. 48.

³⁸ *Ibid.*, para. 44.

Did the UNDT correctly deny Ms. Likukela's claims regarding her alleged privileges and immunities?

74. Ms. Likukela argues that the UNDT failed to properly consider the immunities she enjoyed as a United Nations staff member and that it rejected her defense without adequately analyzing the scope of her immunities in private legal disputes.

75. We find this argument to be without merit. On the contrary, the UNDT analyzed the extent of Ms. Likukela's privileges and immunities under Staff Regulation 1.1(f) and correctly held that the dispute between her and UNFCU was of a private nature, unrelated to her official duties and therefore did not justify the non-performance of her private obligations.

76. Article 105(1) of the United Nations Charter provides that "[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes". Staff Regulations 1.1(f) further stipulates that "[t]he privileges and immunities enjoyed by the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located, nor do they furnish an excuse for non-performance of their private obligations". Accordingly, privileges and immunities are granted in the interest of the Organization, not for Ms. Likukela's personal benefit.

77. Moreover, Ms. Likukela's filing of a counterclaim before the High Court constitutes clear evidence of her submission to the jurisdiction of that Court over her dispute with UNFCU, a position from which she cannot now retract.

78. Therefore, Ms. Likukela's contention that the High Court lacked jurisdiction on the basis of her privileges and immunities cannot be sustained.

Did the UNDT correctly apply the legal framework, jurisprudence and standard of judicial review applicable to the present case?

79. After reviewing the complete record, we agree with the UNDT's finding that the essential facts underpinning the disciplinary measure were admitted by Ms. Likukela.³⁹

³⁹ Impugned Judgment, para. 30.

80. Contrary to Ms. Likukela's allegations, these facts were neither fabricated nor uncorroborated. On the contrary, they were supported by ample evidence in the record, including: her e-mail to the UNFCU Vice President on 18 September 2013 discussing her provision of a repayment plan; her comments submitted during the investigation and disciplinary proceedings; her UNFCU account statements indicating the transfers into and withdrawals from her account of the monies in question; the 13 July 2022 Judgment from the High Court in favor of UNFCU; the response from the Chief Registrar of the High Court concerning the validity of the 2017 and 2022 Judgments; and her own testimony during the UNDT hearing. Taken together, the evidence before the UNDT clearly and convincingly established that the facts underlying the three allegations of misconduct in the Sanction Letter had been demonstrated: i) Ms. Likukela did not return to UNFCU funds erroneously credited to her account and to which she was not entitled; ii) she failed to comply with the 13 July 2022 Judgment from the High Court; and iii) she submitted false documentation and/or made misrepresentation during the investigation.

81. We also find that the UNDT correctly applied the standard of clear and convincing evidence, particularly given that the disciplinary measure imposed on Ms. Likukela involved the termination of her employment.

82. Ms. Likukela raises many accusations and references matters already submitted before the UNDT, such as the fact that the UNDT allegedly ignored "the pillaging, torture and attempts on [her] life (...) by the implicated [United Nations] staff members and their relative judges and lawyers" and the "concealment of serious femicide fraud and racketeering conspiracy". Ms. Likukela provides no evidence in support of any of these allegations or statements. The UNDT considered most of her allegations and correctly concluded that they were either beyond the jurisdiction of the internal justice system or unsubstantiated.

83. Regarding the facts upon which the disciplinary sanction is based, Ms. Likukela merely disagrees with the findings of the UNDT and does not provide any evidence to substantiate her assertions of any errors of law or fact. However, the Appeals Tribunal has consistently emphasized that "the appeals procedure is of a corrective nature and, thus, is not an opportunity for a dissatisfied party to reargue his or her case. A party cannot merely repeat on appeal arguments that did not succeed before the lower court".⁴⁰ Moreover, it is well established that "[a]n appellant

⁴⁰ *Abdulhamid Al Fararjeh v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2021-UNAT-1136, para. 37.

has the burden of satisfying the Appeals Tribunal that the judgment he or she seeks to challenge is defective”.⁴¹ Ms. Likukela failed to meet that burden.

Whether the UNDT erred in concluding that Ms. Likukela’s due process rights were respected

84. In this regard, Ms. Likukela’s contention primarily concerns the 13 July 2022 Judgment. She claims that she was never interviewed nor given an opportunity to contest this Judgment in a United Nations forum, and that the UNDT failed to assess its procedural fairness and legitimacy, an omission she asserts constitutes a serious violation of her due process rights.

85. We find her contention without merit. First, the record indicates that when she was interviewed by OIOS on 4 March 2021, she was asked about the 13 July 2022 Judgment. During the disciplinary process, she was informed of the allegations relating to this Judgment and was afforded ample opportunity to provide her comments.

86. Most importantly, as we noted above, the Appeals Tribunal and the Dispute Tribunal are not forums for a staff member to challenge a national court’s judgment of a Member State. If Ms. Likukela was dissatisfied with the 13 July 2022 Judgment, she should have appealed it within the judicial system of Zambia, which she did not do.

87. Ms. Likukela also claims that she was denied a fair and impartial investigation and that the Investigation Report was based on a “maliciously instigated investigation”.

88. Again, we find her claim regarding the investigation unfounded. The UNDT conducted a comprehensive review of the investigation and the subsequent disciplinary process and found that there were no due process violations of Ms. Likukela’s rights and no evidence of discrimination or bias. We agree with the UNDT’s findings on this point.

89. Ms. Likukela again merely repeats arguments that failed before the UNDT and which cannot succeed on appeal. The UNDT did not err in concluding that her due process rights were respected during the investigation and the disciplinary process.

⁴¹ *Ibid.*

Other allegations

90. We note that Ms. Likukela made numerous frivolous allegations in her appeal, for example, that she was “a victim of a serious femicide white collared racketeering conspiracy” and that the UNDT failed to consider “alternative dispute resolution and arbitration”. We have held that “[i]t is not necessary for any court, whether a trial or appellate court, to address each and every claim made by a litigant, especially when a claim has no merit”.⁴²

91. In any event, this forum is not a place for a party to raise merely conjectural or unsubstantiated allegations. The precious resources of the internal justice system should not be abused by staff members who are not acting in good faith or who raise frivolous claims.

⁴² *Abu Jarbou* Judgment, *op. cit.*

Judgment

92. Ms. Likukela's appeal is dismissed, and Judgment No. UNDT/2025/006 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 31st day of October 2025 in New York, United States.

(Signed)

Judge Gao, Presiding

(Signed)

Judge Forbang

(Signed)

Judge Sandhu

Judgment published and entered into the Register on this 17th day of November 2025 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar