



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

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Judgment No. 2025-UNAT-1589

**Ufuoma Choice Okoro**  
**(Appellant)**

**v.**

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

## **JUDGMENT**

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Before:	Judge Leslie F. Forbang, Presiding Judge Graeme Colgan Judge Abdelmohsen Sheha
Case No.:	2025-1981
Date of Decision:	31 October 2025
Date of Publication:	19 November 2025
Registrar:	Juliet E. Johnson

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Counsel for Appellant:	Kelvin Njuguna Mugwe
Counsel for Respondent:	Francisca Lagos Pola

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

1. Ms. Ufuoma Choice Okoro (Ms. Okoro), a former staff member of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) contested the decisions of the Administration: i) to place her on Administrative Leave With Pay (ALWP); ii) regarding her taking a position in New York, which ultimately remained unfilled; and iii) to impose on her the disciplinary measure of separation from service with compensation in lieu of notice and with a 25 per cent termination indemnity (contested decisions).
2. On 1 November 2024, by Judgment No. UNDT/2024/089 (impugned Judgment),<sup>1</sup> the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed Ms. Okoro's application.
3. Ms. Okoro 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. Okoro joined OCHA in 2007 as a Communications Officer at the P-4 level in Nairobi, Kenya. In 2012, she was appointed as a Humanitarian Affairs Officer with OCHA in Abuja, Nigeria. She subsequently transferred to OCHA Ethiopia and, in 2020, to OCHA Pakistan, where she remained until her separation from service.<sup>2</sup>
6. Since at least 2015, Ms. Okoro has posted content on social media relating, among other things, to the Organization's mandate.<sup>3</sup>
7. As of 2017, Ms. Okoro also made numerous posts on her LinkedIn profile relating, *inter alia*, to her work for the Organization and its mandate.<sup>4</sup>

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<sup>1</sup> *Okoro v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/089.

<sup>2</sup> Letter of allegations of misconduct dated 22 December 2022, paras. 3-4.

<sup>3</sup> Investigation Report, para. 31.

<sup>4</sup> Letter of allegations of misconduct dated 22 December 2022, para. 20.

8. On 18 September 2019, Ms. Okoro created a YouTube channel called “CUO Making Choices”. Until around 13 October 2020, she posted 94 videos on her channel, many of which contained critical commentary regarding international aid and humanitarian assistance in Africa.<sup>5</sup>

9. Between September and December 2020, Ms. Okoro was reminded multiple times by the Administration of her obligation to obtain prior approval for outside activities.

10. On 5 January 2022, Ms. Okoro participated in a one-hour live-streamed video interview on the YouTube channel “Connect Africa” entitled “Protracted International Humanitarian Presence in Africa: Why Africa Should be Concerned”. She was introduced as someone who had coordinated humanitarian assistance for OCHA in Ethiopia and made various statements regarding international humanitarian aid.<sup>6</sup>

11. On 14 January 2022, an article was published on the Ethiopian News Agency (ENA) website documenting “an exclusive interview” with Ms. Okoro. She was described as the Head of OCHA in Pakistan and was cited as saying that “even if the United Nations is supposed to respect a country’s sovereignty and work within that sovereignty to pursue peace, some individuals in the system have been pursuing their personal agenda”. She further stated that although the United Nations is “supposed to respect a country’s sovereignty and work within that sovereignty to pursue peace”, she did not think that the Organization was “one doing that as an entity”. The article also cited her remarks on Ethiopia, asserting that there “is a media narrative of conflict that was pushed on Ethiopia externally and words exaggerated from the outside”, and advocating for permanent seats in the United Nations Security Council (UNSC) for Africa and the Middle East, stating that “a colonial permanent structure cannot be kept” in the United Nations.<sup>7</sup>

12. On 23 January 2022, Ms. Okoro posted a video on her Facebook page, in which she discussed her experience working for OCHA Ethiopia, commented on the Ethiopian Government’s response to the drought and commended the outgoing Prime Minister for the peaceful transition of power in 2018.

13. On 18, 20 and 28 January 2022, the Office of Internal Oversight Services (OIOS) received reports alleging that Ms. Okoro had “[e]ngaged, on 5 January 2022, in unauthorized outside activities by participating in a live-streamed interview with a journalist where issues related to the

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<sup>5</sup> Investigation Report, paras. 27-30.

<sup>6</sup> *Ibid.*, paras. 38-41.

<sup>7</sup> Letter of allegations of misconduct dated 22 December 2022, paras. 23-24.

work and mandate of the United Nations were discussed; and (...) [p]osted, on 23 January 2022, on her Facebook page, a video where she [was] being interviewed by a journalist and where she discussed actions taken by the Government of Ethiopia”. It was further reported that in 2020, Ms. Okoro had been advised by the Administration to seek authorization before posting on social media or making public statements relating to the interests, mandate and activities of the Organization, but failed to do so.<sup>8</sup>

14. On 26 January 2022, Ms. Okoro was placed on ALWP for three months or until the completion of any disciplinary process, whichever was earlier.<sup>9</sup>

15. On 9 February 2022, Ms. Okoro was interviewed by OIOS.

16. On 8 August 2022, OIOS issued an Investigation Report. It concluded that there were reasonable grounds to conclude that the allegations reported in January 2022 had been established. It also found the following additional findings substantiated:<sup>10</sup>

(i) Since at least 2015, Ms. Okoro has posted on the Internet commentary critical of international aid and humanitarian assistance in Africa;

(ii) In January 2022, Ms. Okoro posted to her LinkedIn profile critical commentary regarding the provision of humanitarian assistance and of Member States who receive humanitarian assistance; and

(iii) In January 2022, Ms. Okoro was interviewed by ENA (Ethiopian News Agency) and, while presented as the Head of OCHA Pakistan, she offered her views and opinions on issues relating to the work and mandate of the Organization.

17. Consequently, OIOS referred the case to the Office of Human Resources (OHR) for appropriate action.<sup>11</sup>

18. On 22 December 2022, the Director, Administrative Law Division (ALD), OHR, informed Ms. Okoro by memorandum that, based on the evidence and findings contained in the Investigation Report, the following formal allegations of misconduct were issued against her:<sup>12</sup>

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<sup>8</sup> Investigation Report, paras. 1-3.

<sup>9</sup> Letter of placement on ALWP dated 26 January 2022.

<sup>10</sup> Investigation Report, para. 4.

<sup>11</sup> *Ibid.*, para. 59.

<sup>12</sup> Letter of allegations of misconduct dated 22 December 2022, para. 40.

[a.] Between 2019 and 2020, posting on YouTube for electronic dissemination videos capturing [her] comments that related to the purpose, activities or interests of the United Nations.

[b.] In January 2022, giving a live-streamed video interview for electrical [sic] dissemination on the YouTube channel, 'Connect Africa', in which [she] made comments that related to the purpose, activities or interests of the United Nations.

[c.] Between 2017 and 2022, posting on LinkedIn for electronic dissemination articles that related to the purpose, activities or interests of the United Nations.

[d.] In or around January 2022, giving an interview to ENA in which [she] made statements that related to the purpose, activities or interests of the United Nations.

[e.] In January 2022, posting on Facebook for electronic dissemination an article containing [her] comments that related to the purpose, activities or interests of the United Nations.

19. Ms. Okoro was invited to provide her written comments on the factual findings, which she submitted on 10 March 2023.<sup>13</sup>

20. On 27 April 2023, the Assistant Secretary-General for Human Resources (ASG/OHR) informed Ms. Okoro 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. Her conduct was found to constitute serious misconduct pursuant to Staff Regulation 1.2(b), (e), (f), (g) and (o), Staff Rule 1.2(s) and (t) and Administrative Instruction ST/AI/2000/13 (Outside activities) in respect of which the disciplinary measure of separation from service with compensation in lieu of notice and with a 25 per cent termination indemnity was imposed.<sup>14</sup>

21. The letter further stated that, in reaching its decision, the Administration considered the following elements as aggravating factors: i) Ms. Okoro continued the misconduct despite repeated warnings; ii) her conduct was repeated over time; iii) it involved multiple violations of both express and implied duties and obligations; and iv) she attacked the integrity of the Organization, thereby causing harm to the United Nations. The fact that her conduct took place during the COVID-19 pandemic, as well as her claim of personal challenges due to the loss of her brother, were considered as mitigating factors. However, her long service with the Organization was not

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<sup>13</sup> Impugned Judgment, para. 6.

<sup>14</sup> Sanction letter dated 27 April 2023. Secretary-General's Bulletin ST/SGB/2018/1/Rev. 1 (Staff Regulations and Rules of the United Nations).

considered mitigating, as it was found that she took advantage of her position at OCHA; her public messages carried greater weight precisely because of her long service there.

22. On 21 July 2023, Ms. Okoro filed an application with the Dispute Tribunal challenging the contested decisions, which she completed on 27 October 2023.

*Impugned Judgment*

23. On 1 November 2024, the Dispute Tribunal issued the impugned Judgment dismissing Ms. Okoro's application. The UNDT first found that, as Ms. Okoro had not requested management evaluation of the decisions to place her on ALWP and her taking a position in New York, her challenge to those decisions was not receivable.<sup>15</sup>

24. The UNDT then determined that an oral hearing was not warranted, as "the evidence that support[ed] the finding of misconduct [was] all documentary; the facts on which the sanction [was] based [were] not challenged, but rather their characterization as misconduct; and [Ms. Okoro] did not request a hearing at any stage of [the] proceedings".<sup>16</sup>

25. Turning to the merits of the case, the UNDT found that the facts on which the sanction was based had been established by clear and convincing evidence, highlighting that Ms. Okoro admitted "the social media posts and articles brought forth by the investigation, the (...) blog and YouTube channel, and giving interviews".<sup>17</sup> The UNDT therefore held that Ms. Okoro's challenge was limited to whether her actions qualified as outside activities and, consequently, constituted misconduct.<sup>18</sup>

26. The UNDT found that Ms. Okoro had been warned multiple times by the Administration in 2020 that her social media posts, articles and videos relating to the purpose, operations or interests of the United Nations could present a risk to the Organization and required prior authorization. She was aware that her online activities constituted outside activities under Staff Rule 1.2(t), but nevertheless "resumed her social media presence and interviews with the

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<sup>15</sup> Impugned Judgment, para. 18.

<sup>16</sup> *Ibid.*, para. 20.

<sup>17</sup> *Ibid.*, para. 34.

<sup>18</sup> *Ibid.*, para. 37.

press in connection with matters related to the purpose, activities, and interests of the Organization without requiring prior authorization” after 2020.<sup>19</sup>

27. The UNDT further found that Ms. Okoro’s actions were intentional and contrary to the duty of impartiality and independence required of an international civil servant. It held that her conduct was blatantly against the interests of the Organization, concluding that she “used the knowledge gained from her official functions to intensely criticize the international humanitarian aid/coordination system”, “vilified the entire international humanitarian assistance/aid system by portraying it as a corrupt neo-colonial business designed to exploit African countries and trap them into dependency” and “criticized the State Parties who are part of the system, whether as donors or beneficiaries”.<sup>20</sup>

28. The UNDT held that the established facts amounted to misconduct and that Ms. Okoro violated Staff Regulation 1.2(o), Staff Rule 1.2(s) and (t), Sections 3.1 and 4.1 of ST/AI/2000/13 by engaging in unauthorized outside activities through her social media presence concerning matters related to the official activities of the Organization. The UNDT also found that she violated Staff Regulations 1.2(b), (e), (f), (g) and (o) by engaging in actions that adversely affected the interests of the Organization.<sup>21</sup> Specifically, the UNDT found that Ms. Okoro, “[i]nstead of ensuring that her online activities did not affect the interests of the United Nations, (...) intentionally connected the two”.<sup>22</sup> In this regard, the UNDT found Ms. Okoro’s contention that her social media activities were intended to promote the Organization’s mandate to be unreasonable and untenable. It further emphasized that it is not up to a staff member to determine whether their activities serve the interests of the Organization.<sup>23</sup> The UNDT also rejected Ms. Okoro’s claims that she was targeted by the Organization and subjected to bias and racism, noting that these claims lacked “clarity, specifics, and support”.<sup>24</sup>

29. The UNDT further found that the sanction imposed on Ms. Okoro was proportionate to her offence and that the Administration had appropriately considered several aggravating and mitigating factors. It also confirmed that the Administration correctly declined to consider

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<sup>19</sup> *Ibid.*, paras. 49-51.

<sup>20</sup> *Ibid.*, para. 54.

<sup>21</sup> *Ibid.*, paras. 69-70.

<sup>22</sup> *Ibid.*, para. 63.

<sup>23</sup> *Ibid.*, paras. 64-66.

<sup>24</sup> *Ibid.*, para. 68.

Ms. Okoro's long service as a mitigating factor, as it found that she had taken advantage of her position at OCHA.<sup>25</sup>

30. Last, the UNDT concluded that Ms. Okoro's due process rights had been respected during both the investigation and the disciplinary process.<sup>26</sup>

*Procedures before the Appeals Tribunal*

31. On 6 January 2025, Ms. Okoro filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 7 March 2025.

**Submissions**

**Ms. Okoro's Appeal**

32. Ms. Okoro requests the Appeals Tribunal to grant the appeal, reverse the impugned Judgment and vacate the findings of misconduct and the associated disciplinary measure. Alternatively, she requests the Appeals Tribunal to substitute the disciplinary measure imposed on her with a written censure or another proportionate sanction. She also seeks compensation for psychological distress, deterioration of her mental health, and disruption to her personal and family life, as well as an award of costs of the appeal.

33. Ms. Okoro also requests an oral hearing before the Appeals Tribunal in order to: i) clarify the "nuances surrounding her social media activities, their intent, and their alignment with the mandate of the [United Nations]"; ii) refute what she characterized as a misinterpretation of her statements as detrimental to the Organization's reputation; iii) enable "in-depth oral deliberation" on the legal issue of what constitutes an "outside activity"; iv) present evidence and testimony demonstrating that her critiques were made in the public interest and widely supported; and v) cross-examine and challenge the evidence and arguments presented by the Administration.

34. Ms. Okoro submits that the UNDT erred in finding that the part of her application challenging the decisions to place her on ALWP and regarding her potential assignment to a position in New York was not receivable. She argues that the UNDT misinterpreted the

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<sup>25</sup> *Ibid.*, paras. 78-79.

<sup>26</sup> *Ibid.*, paras. 82-83.

“receivability rules” and failed to consider that these decisions were intrinsically linked to the disciplinary sanction ultimately imposed on her and directly affected her rights.

35. Ms. Okoro submits that the UNDT improperly disregarded several errors that occurred during the OIOS investigation, including: i) the erroneous identification of her nationality as Nigerian instead of Canadian; ii) the failure to acknowledge her compliance with the United Nations mandatory training requirements; and iii) inconsistencies in the evidence, including unsupported assertions that her social media content violated the legal framework. She maintains that the UNDT’s reliance on what she views as a flawed investigation resulted in a violation of her due process rights.

36. Ms. Okoro claims that the UNDT also failed to consider her argument that the disciplinary measure imposed on her was retaliatory in nature, allegedly imposed in response to her advocacy for peace in Africa and her criticism of the protracted international humanitarian presence. She further asserts that she was the target of “personal vendettas” within OCHA and DMSPC.

37. Ms. Okoro argues that the UNDT overlooked her claim that the disciplinary proceedings exacerbated a diagnosis she previously had, and which had been approved by the United Nations Medical Service (UNMS).

38. Ms. Okoro asserts that the UNDT mischaracterized her actions as “outside activities” and erred in concluding that the established facts amounted to misconduct. She argues that the UNDT interpreted the term “outside activities” in an unduly broad manner, failing to consider her right to freedom of expression as guaranteed by the Guidelines for the personal use of social media (February 2019) (Guidelines). She maintains that her social media activities were in compliance with the applicable legal framework, emphasizing that they reflected her “personal expression”, constituted “legitimate commentary on broader public policy issues” and “did not involve partisan political activity, nor did they claim to represent the views of OCHA or the United Nations”. On the contrary, she argues that her publications were aimed at improving the efficiency and sustainability of international aid.

39. Ms. Okoro submits that the UNDT’s conclusion that her actions caused harm to the United Nations was not supported by the evidence on record.

40. Ms. Okoro contends that the disciplinary measure imposed on her was disproportionate to her alleged misconduct. In particular, she argues that the UNDT failed to take into account several

mitigating factors, including her “15 years of unblemished service, personal hardships during the COVID-19 pandemic, and her efforts to engage constructively in systemic improvements”. She also reiterates that the UNDT overlooked the absence of direct harm resulting from her conduct.

41. Last, Ms. Okoro asserts that the UNDT failed to address her allegations of bias, ulterior motives, and undue influence in the conduct of the disciplinary process.

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

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

43. First, the Secretary-General submits that Ms. Okoro’s request for an oral hearing should be denied, as the facts and submissions on record clearly define the issues in dispute and are sufficient for determination on appeal.

44. Second, the Secretary-General contends that the UNDT correctly concluded that the disciplinary measure imposed on Ms. Okoro was lawful. He argues that Ms. Okoro has failed to demonstrate any errors warranting the reversal of the impugned Judgment. In particular, the Secretary-General maintains that the UNDT did not err in finding that the part of her application challenging the decision to place her on ALWP and the decision concerning the New York position was not receivable, as she did not request management evaluation of those decisions in accordance with Staff Rule 11.2(a). He adds that the “[t]he fact that [Ms. Okoro] suggests that the three decisions were interconnected does not mean that [she] was exempt from seeking management evaluation” of the two decisions.

45. Third, the Secretary-General submits that the UNDT did not err in its interpretation of the rules on social media and unauthorized outside activities, nor in its conclusion that Ms. Okoro’s actions amounted to serious misconduct. He argues that Ms. Okoro repeatedly posted content on social media that “related to the purpose, activities or interests of the United Nations without prior authorization, particularly content that was critical of the provision of humanitarian assistance in Africa, which is central to the [United Nations] mandate being implemented by OCHA”, thereby clearly violating the Staff Regulations and Rules.

46. The Secretary-General further submits that Ms. Okoro’s assertion that her actions did not cause harm to the Organization is unfounded. He emphasizes that her accusations of serious

wrongdoings by the Organization on social media posed a “serious risk of damaging the Organization’s reputation, endangering the Organization’s operations and the safety of the [United Nations] staff and other humanitarian workers in the field”.

47. The Secretary-General also contends that Ms. Okoro’s claim that the content she disclosed on social media was private and authorized under the applicable legal framework is entirely without merit. He underscores that the Guidelines provide that “staff must ensure that the expression of their personal views and convictions on social media does not adversely affect their official duties, reflect poorly on their status as international civil servants or call into question their duty of loyalty, impartiality and responsibility to the Organization”, standards which Ms. Okoro failed to uphold in this case.

48. Fourth, the Secretary-General argues that the UNDT did not err in its assessment of mitigating circumstances. In this regard, he recalls that the Administration has broad discretion in disciplinary matters and that the UNDT may only interfere with a sanction where it is “blatantly illegal, arbitrary, adopted beyond the limits stated by the respective norms, excessive, abusive, discriminatory or absurd in its severity”, which is not the case here.<sup>27</sup>

49. On the contrary, the Secretary-General submits that the UNDT properly considered, among other factors, Ms. Okoro’s personal hardship during the COVID-19 pandemic and the personal challenges she faced due to the loss of her brother. He further notes that the UNDT did not disregard Ms. Okoro’s long service; rather, it held that her length of service was not a mitigating factor, as she had taken advantage of her service to commit misconduct. In any event, the Secretary-General argues that even if her 15 years of service had been considered in mitigation, it would not have altered the UNDT’s findings regarding the proportionality of the disciplinary measure.

50. With respect to Ms. Okoro’s alleged efforts to engage constructively in systemic improvements, the Secretary-General observes that intentions do not render an unlawful conduct lawful.

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<sup>27</sup> *Appellant v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1216, para. 45.

51. The Secretary-General reiterates that Ms. Okoro's argument that her actions did not cause direct harm to the Organization should be rejected and, in any event, does not constitute a mitigating factor that the UNDT was obliged to consider.

52. Last, the Secretary-General contends that the UNDT did not fail to address allegations of bias, undue process or submissions regarding ulterior motives. He emphasizes that Ms. Okoro failed to present any evidence of bias or ulterior motives in her application before the Dispute Tribunal.

### **Considerations**

#### *Preliminary issues*

53. As a preliminary matter, we address Ms. Okoro's request for an oral hearing before the Appeals Tribunal as well as the receivability of the ALWP decision and the decision concerning the New York position.

#### *Request for an oral hearing*

54. Ms. Okoro requests an oral hearing before the Appeals Tribunal.

55. Oral hearings are governed by Article 8(2) and (3) of the Appeals Tribunal Statute (Statute) and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules). The Statute provides that "[t]he Appeals Tribunal shall decide whether the personal appearance of the appellant or any other person is required at oral proceedings and the appropriate means to achieve that purpose"; and that "[t]he judges assigned to a case will determine whether to hold oral proceedings". In turn, the Rules stipulate 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".

56. Under these statutory provisions, 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 already on the record.<sup>28</sup> In this case, all the relevant elements for discussion are already on the record. The factual and legal issues arising from the appeal have already been clearly defined by the parties in

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<sup>28</sup> *Gabriel Vincent Branglidor v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1234, para. 32.

their submissions, and no further clarification or evidence is required. Accordingly, the present case may be adjudicated solely on the written record. Moreover, we have consistently held that “[a]n appeal is not a rehearing of the matter but an opportunity for the parties to address narrow issues, including errors of law, fact, and jurisdiction”.<sup>29</sup>

57. Given the extensive evidence on record, we are not persuaded that an oral hearing would “assist in the expeditious and fair disposal of the case”, as required by Article 18(1) of the Rules. The UNDT correctly found that the evidence supporting the finding of misconduct is entirely documentary and the facts on which the sanction is based are not challenged. Rather, Ms. Okoro challenges their characterization as misconduct. The determination of whether the UNDT correctly characterized Ms. Okoro’s actions as misconduct is a question of law for the Appeals Tribunal to decide and does not require oral argument or testimony. Moreover, we note that Ms. Okoro failed to request an oral hearing at any stage of the proceedings before the UNDT.<sup>30</sup>

58. In light of the above, the request for an oral hearing is denied.

#### *Receivability*

59. The Dispute Tribunal found that Ms. Okoro’s application was receivable only in relation to the administrative decision imposing on her the disciplinary measure of separation from service with compensation in lieu of notice and with a 25 per cent termination indemnity. The UNDT concluded that Ms. Okoro’s application was not receivable regarding the decision to place her on ALWP and the decision concerning a position in New York, which ultimately remained unfilled, due to the absence of a prior request for management evaluation.<sup>31</sup>

60. Ms. Okoro takes issue with the UNDT’s findings on the receivability of her application.

61. Staff Rule 11.2 sets out the requirements for a request for management evaluation by a staff member. It provides that:

- (a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step,

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<sup>29</sup> *Lilian Ular v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1409, para. 42.

<sup>30</sup> Impugned Judgment, para. 20.

<sup>31</sup> *Ibid.*, para. 18.

submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.

(b) A staff member wishing to formally contest an administrative decision (...) to impose a disciplinary (...) measure pursuant to staff rule 10.2 following the completion of a disciplinary process is not required to request a management evaluation.

62. Furthermore, in accordance with Article 8(1)(c) of the Dispute Tribunal Statute (UNDT Statute), the UNDT has jurisdiction to receive an application appealing an administrative decision only if the applicant has “previously submitted the contested administrative decision for management evaluation, where required”.

63. Our jurisprudence has repeatedly recognized that requesting management evaluation is a “mandatory first step in the appeals process and a prerequisite to invoke the UNDT’s jurisdiction”.<sup>32</sup> It is in the interest of the Organization to give special regard to this first step, as it affords the Administration an opportunity to correct itself or provide acceptable remedies in cases of flawed decision-making, thereby reducing the number of cases that need to proceed to formal litigation.<sup>33</sup>

64. In the present case, all three decisions fall under different categories under Staff Rule 11.2. The alleged nexus between them does not diminish or affect the obligation to independently comply with the procedural requirement set out in this Staff Rule. In this regard, the ALWP decision and the decision concerning the New York position fall within the scope of Staff Rule 11.2(a), which requires a request for management evaluation as a mandatory first step before challenging the contested decision before the UNDT. Meanwhile, the decision imposing a disciplinary measure falls under the category set out in Staff Rule 11.2(b), for which no management evaluation is required.

65. Based on the above rules and our established jurisprudence, Ms. Okoro was required to request management evaluation of the ALWP decision and the decision concerning the New York position as a mandatory first step in order to be able to challenge them before the UNDT. Conversely, she was not required to do so in relation to the disciplinary decision.

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<sup>32</sup> *Survo v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-644, para. 34 (internal footnote omitted). See also *Mohanna v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-687, para. 29.

<sup>33</sup> *Nagayoshi v. Registrar of the International Tribunal for the Law of the Sea*, Judgment No. 2015-UNAT-498, para. 36.

66. We reiterate that the requirement to request management evaluation is mandatory and subject to strict compliance. The sanction for non-compliance with this internal procedure is the non-receivability of the application challenging the administrative decision.<sup>34</sup> Neither the Dispute Tribunal nor the Appeals Tribunal has the authority to grant exceptions to this requirement.<sup>35</sup>

67. Accordingly, the Dispute Tribunal did not err in finding that Ms. Okoro's challenge to the ALWP decision and the decision concerning the New York position was not receivable.

### *Merits*

68. Under our settled law, the four-part test applied by the UNDT in the judicial review of disciplinary cases under Article 2(1)(b) of the UNDT Statute is well-established. It involves determining: i) whether the facts on which the sanction is based have been established by clear and convincing evidence when termination is a possible outcome; ii) whether the established facts qualify as misconduct under the Staff Regulations and Rules; iii) whether the sanction is proportionate to the offence; and iv) whether the staff member's due process rights were respected during the investigation and disciplinary process.<sup>36</sup>

69. Consequently, to determine whether the Dispute Tribunal erred in law, fact or exceeded its jurisdiction when it affirmed the decision to impose on Ms. Okoro the disciplinary measure of separation from service with compensation in lieu of notice, and with a 25 per cent termination indemnity, we must assess whether it properly applied the established test for evaluating the legality of a disciplinary measure. We now turn to this analysis.

### *Whether the facts on which the sanction is based have been established*

70. In the instant case, the evidence on record shows that Ms. Okoro neither disputes the facts established by the documentary evidence nor challenges the authenticity of the social media posts on which the sanction is based. As the UNDT correctly noted, her challenge is limited to the characterization of her social media engagements as outside activities constituting misconduct.

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<sup>34</sup> *Leonid Dolgoplov v. Secretary-General of the United Nations*, Judgment No. 2025-UNAT-1551, para. 54.

<sup>35</sup> *Faust v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-695, para. 40.

<sup>36</sup> *Doreen Nimusiima v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1431, para. 88.

Therefore, we agree with the UNDT's finding that there is clear and convincing evidence establishing the facts underlying the sanction imposed on Ms. Okoro.

*Whether the established facts qualify as misconduct under the Staff Regulations and Rules*

71. The Administration imposed the disciplinary measure in issue based on its findings that Ms. Okoro engaged in unauthorized outside activities in contravention of Staff Regulation 1.2(b), (e), (f), (g), and (o), Staff Rule 1.2(s) and (t), and ST/AI/2000/13, by committing one or more of the following acts:<sup>37</sup>

a) Between 2019 and 2020, posting on YouTube for electronic dissemination videos capturing [her] comments that related to the purpose, activities or interests of the United Nations.

b) In January 2022, giving a live-streamed video interview for electrical [sic] dissemination on the YouTube channel, 'Connect Africa', in which [she] made comments that related to the purpose, activities or interests of the United Nations.

c) Between 2017 and 2022, posting on LinkedIn for electronic dissemination articles that related to the purpose, activities or interests of the United Nations.

d) In or around January 2022, giving an interview to Ethiopian News Agency (ENA) in which [she] made statements that related to the purpose, activities or interests of the United Nations.

e) In January 2022, posting on Facebook for electronic dissemination an article containing [her] comments that related to the purpose, activities or interests of the United Nations.

72. Since Ms. Okoro does not dispute the aforementioned facts, the question is whether they constitute misconduct under the relevant legal framework. Before reviewing the evidence to determine whether the UNDT correctly characterized or qualified Ms. Okoro's outside activities as misconduct, it is appropriate to set out the regulatory framework governing such misconduct.

73. At the outset, Staff Regulation 1.2(b), (e), (f), (g) and (o) sets forth basic rights and obligations of United Nations staff members:

(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;

...

<sup>37</sup> Sanction Letter dated 27 April 2023.

(e) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all staff members by virtue of their status as international civil servants;

(f) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status;

(g) Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favor. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favor;

...

(o) Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General;

74. Staff Rule 1.2(s) and (t) regulates outside employment and activities. It provides that:

(s) Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General.

(t) Staff members shall not, except in the normal course of official duties or with the prior approval of the Secretary-General, engage in any outside activities that relate to the purpose, activities or interests of the United Nations. Outside activities include but are not limited to:

(i) Issuing statements to the press, radio or other agencies of public information;

(ii) Accepting speaking engagements;

(iii) Taking part in film, theatre, radio or television productions;

(iv) Submitting articles, books or other material for publication, or for any electronic dissemination.

Approval may be granted in accordance with staff regulation 1.2 (p).

75. Similarly, ST/AI/2000/13 provides, in relevant parts, that:

3.1 Under staff regulation 1.2 (o), a staff member shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General. (...)

...

4.1 Under staff rules 101.2 (p), 201.2 (p) and 301.3 (p), except in the normal course of official duties, prior authorization is required to engage in any of the following acts, if such act relates to the purpose, activities or interests of the United Nations:

(a) Issuance of statements to the press, radio or other agencies of public information;

(b) Acceptance of speaking engagements;

(c) Taking part in film, theatre, radio or television productions;

(d) Submitting articles, books or other material for publication.

4.2 Outside activities that are of benefit to the Organization or the achievement of its goals and/or contribute to the development of professional skills of staff members are usually not only permitted but encouraged, provided staff members exercise the utmost discretion with regard to all matters of official business and avoid any public statement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

...

5.1 Private non-remunerated activities for social or charitable purposes which have no relation to the staff member's official functions or to the Organization, and take place outside working hours or while the staff member is on leave, may be engaged in at the staff member's discretion. Staff members shall in every instance ensure that the activity is and remains compatible with their status as international civil servants.

76. Further, the Standards of Conduct for the International Civil Service (2013) stipulate that:

4. International civil servants should share the vision of their organizations. It is loyalty to this vision that ensures the integrity and international outlook of international civil servants; a shared vision guarantees that they will place the interests of their organization above their own and use its resources in a responsible manner.

...

9. Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, international civil servants do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters, either individually or as members of a group, irrespective of the medium used. This can mean that, in certain situations, personal views should be expressed only with tact and discretion.

...

45. The primary obligation of international civil servants is to devote their energies to the work of their organizations. Therefore, international civil servants should not engage, without prior authorization, in any outside activity, whether remunerated or not, that interferes with that obligation or is incompatible with their status or conflicts with the interests of the organization. Any questions about this should be referred to the executive head.

77. As for the staff members' personal use of social media, the Guidelines, which constitute an important tool of soft law, state, in relevant parts, that:

A staff member's activity on personal social media, even when unrelated to official duties, may reflect on the Organization and may expose the United Nations to reputational risk. As international civil servants, staff have a duty to be and appear to be both independent and impartial. As such, staff must ensure that the expression of their personal views and convictions on social media does not adversely affect their official duties, reflect poorly on their status as international civil servants or call into question their duty of loyalty, impartiality and responsibility to the Organization.

...

Even if a disclaimer is added, such as 'views expressed are my own', your behaviour on social media is not exempt from the impartiality and conduct required, and befitting, of an international civil servant.

...

Be mindful of sharing and liking posts from other accounts, which could be interpreted as an endorsement of the facts and opinions such posts represent.

78. In this context, to determine whether Ms. Okoro's social media engagements constituted outside activities and qualified as misconduct under the applicable legal framework, the following elements must be established: i) Ms. Okoro issued public statements, submitted articles for electronic dissemination, accepted speaking engagements or took part in radio or television productions relating to the purpose, activities or interests of the United Nations; ii) she failed to seek prior authorization from the Administration; and iii) her publications adversely affected her official duties or the interests of the United Nations. We shall examine each element in turn.

*i) Did Ms. Okoro issue public statements or posts relating to the purpose, activities or interests of the Organization?*

79. Regarding the first element, it is undisputed that Ms. Okoro issued multiple public statements, posted articles for electronic dissemination and gave interviews on a YouTube channel as well as to the ENA. The question is whether these activities were related to the purpose, activities

and interests of the United Nations. The answer is in the affirmative. The record shows that Ms. Okoro's social media engagements repeatedly referenced international humanitarian assistance, the United Nations' humanitarian presence, humanitarian coordination systems, aid agencies, and international humanitarian aid workers, among others. We note that coordinating humanitarian assistance, systems, agencies, and personnel is central to the purpose, activities and interests of the United Nations and, specifically, OCHA. Referring to these themes in her posts or discussing them in televised productions clearly establishes the first element of misconduct.

*ii) Did Ms. Okoro seek and receive prior authorization for her social media activities?*

80. As regards the second element, Ms. Okoro argues that her social media engagements neither constituted outside activities nor misconduct, and thus did not require prior authorization. She maintains that her posts reflected her personal views. We do not accept these assertions.

81. Ms. Okoro's activities clearly fell within the category of outside activities listed in Staff Rule 1.2(t) and Section 4.1 of ST/AI/2000/13. Accordingly, she was required to obtain prior authorization for such activities. The evidence on record indicates that she failed to do so, despite multiple warnings and reminders from the Administration.

*iii) Did Ms. Okoro's social media activities adversely affect her official duties or the interests of the United Nations?*

82. To satisfy the third element, it must be established that Ms. Okoro's social media activities adversely affected her official duties or the interests of the Organization. Ms. Okoro submits that there is no evidence that her posts reflected poorly on her status as an international civil servant or impacted on her duties in a manner that would constitute misconduct. She also argues that no direct conflict between her posts and her official duties was demonstrated. She contends that her social media activities adhered to the Guidelines, which affirm the inviolability of staff members' views and protect their right to freedom of expression.

83. We disagree.

84. Ms. Okoro's social media engagements adversely affected her ability to fulfill her duty under Staff Regulation 1.2(g), which prohibits staff members from using knowledge gained from their official functions for private gain. In January 2022, in a live-streamed interview with the YouTube channel "Connect Africa", she was identified and introduced as a former OCHA staff

member in Ethiopia. Around that same time, she also granted another “exclusive interview” to the ENA. In both interviews, she shared and discussed in a critical manner information she had gained while performing her official functions, contrary to Staff Regulation 1.2(g).

85. Staff Regulation 1.2(f) provides that staff members must ensure that their personal views and convictions do not adversely affect their official duties or the interests of the Organization and shall avoid any action that may reflect adversely on their status or on the integrity, independence and impartiality that are required by that status. In the present case, the record shows that Ms. Okoro, in one of her LinkedIn posts, commented on inquiries she had received about why she worked in the international humanitarian field “considering all [she said] was wrong with it”.<sup>38</sup> It is evident from this post that her social media activities led her audience to question her loyalty, impartiality, and responsibility to the Organization. This reflected poorly on her status as an international civil servant and adversely affected the interests of the United Nations.

86. In addition, Staff Regulation 1.2(e) and paragraph 4 of the Standards of Conduct for the International Civil Service (2013) require staff members, by virtue of their status as international civil servants, to be loyal to the aims, principles and purposes of the United Nations and to share the vision of their organizations. It is evident from the record that, through her social media activities, Ms. Okoro repeatedly called for African nations to reject or question humanitarian aid and presence, characterized State Parties seeking humanitarian aid as “beggars” and described international humanitarian aid as “the biggest business”, “neo-colonialist” and “an instrument of reparation for past abuses committed in Africa”. These unsubstantiated allegations run counter to the aims, principles and purposes of the United Nations and demonstrate by clear and convincing evidence that Ms. Okoro did not share the Organization’s vision, as required by the governing framework.

87. Further, Ms. Okoro submits that there was no evidence that her social media activities caused reputational harm to the United Nations. She argues that she did not directly attack the United Nations or OCHA in a manner that could damage their reputation and that her social media activities constituted professional critiques aimed at improving the system rather than undermining it. She also contends that her critiques did not involve partisan political activity, nor did they purport to represent the views of OCHA or the United Nations. We find no merit in these arguments.

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<sup>38</sup> Annex to the Investigation Report.

88. For a staff member who has extensively worked in humanitarian affairs in Africa to repeatedly make overt comments criticizing humanitarian aid and presence on the continent – vilifying an entire international humanitarian system – not only calls into question Ms. Okoro’s conduct as an international civil servant but equally impugns the credibility and reputation of the Organization and jeopardizes the safety and security of humanitarian workers on the continent.

89. Additionally, the evidence on record indicates that Ms. Okoro’s social media engagements caused reputational harm to the Organization. For instance, a member of her audience, in response to a post she made on LinkedIn, commented that “the [United Nations] agencies and International [Non-Governmental Organizations] shall focus on peace and sustainability to build the capacity of existing government machinery. These white witches will squeeze your economy as they already did”.<sup>39</sup> Ms. Okoro’s statements enabled such denigration of the Organization to occur in circumstances where, without her initial comments, such a response might not have been made, or at least not in such a tone. Further, the fact that Ms. Okoro added to her LinkedIn profile a disclaimer indicating that her posts reflected her personal views did not absolve her of the duty to act with tact, discretion, care and good judgment when using personal social media. We agree with the analysis of the Guidelines as soft law: even if a disclaimer is added, a staff member’s behaviour on social media is not exempt from the impartiality and conduct required, and befitting, of an international civil servant.

90. Again, Ms. Okoro’s argument that her critiques were aimed at improving the system defies her own logic. She claims that her social media activities were entirely private and not directly related to OCHA or the United Nations, yet she simultaneously asserts that they served or promoted the United Nations’ mandate. Her assessment of whether her activities aligned with the interests or purpose of the Organization or served the mandate of the United Nations was clearly erroneous. The UNDT also correctly observed that this determination is the prerogative of the Organization, not the staff member.<sup>40</sup>

91. We reiterate that, while the personal views of staff members remain inviolate, international civil servants do not enjoy the same freedom as private persons to take sides or to express their convictions publicly on controversial matters.<sup>41</sup> There is a duty of discretion imposed on international civil servants that can be inferred from Staff Regulation 1.2(f). This duty ensures a

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<sup>39</sup> *Ibid.*

<sup>40</sup> Impugned Judgment, para. 66.

<sup>41</sup> Paragraph 9 of the Standards of Conduct for the International Civil Service (2013).

fine balance between the fundamental freedom of expression of international civil servants and the due respect and protection of the ultimate interests of the Organization. Furthermore, if staff members wish to express their personal views and convictions, they should ensure that those views and convictions do not adversely affect their official duties or the interests of the United Nations. We would add that these exceptions to the ability to make uninhibited comments do not relate only to United Nations staff; employees of a wide range of governmental, non-governmental, and commercial bodies are similarly constrained in their exercise of freedom of expression when those expressions may adversely affect their employers' interests and reputation.

92. We also reiterate that it is apparent on the record that Ms. Okoro's outside activities were formally brought to her attention by the Administration and she was advised to seek authorization. Nonetheless, she disregarded this advice and continued with her social media engagements. Her continued social media activities beyond the Administration's warnings demonstrate an intentional and willful misconduct.

93. From the foregoing, we find that all the constitutive elements of misconduct coexist and are established by clear and convincing evidence. Therefore, the UNDT did not err in finding that the established facts qualify as misconduct under the Staff Regulations and Rules.

*Whether the sanction is proportionate to the offence*

94. Ms. Okoro was separated from service with compensation in lieu of notice, and with a 25 per cent termination indemnity. She argues that these sanctions are disproportionate because the UNDT overlooked significant mitigating factors. Specifically, she argues that the Dispute Tribunal ignored her 15 years of unblemished service, personal hardships during the COVID-19 pandemic, her efforts to engage constructively in systemic improvements, and the absence of direct or tangible harm to the United Nations. As a result, she seeks a reduction of the disciplinary measure to a written censure or other proportionate sanction. We disagree with her assertions.

95. In the impugned Judgment, the Dispute Tribunal appropriately considered the mitigating circumstances in its assessment of the proportionality of the sanction imposed. In particular, it noted that the Administration considered that Ms. Okoro's conduct encompassed the peak period of the COVID-19 pandemic and her personal challenges due to the loss of a family member. The

UNDT further observed that the Administration did not consider Ms. Okoro's 15 years of service as mitigation because she took advantage of her service at OCHA.<sup>42</sup> In addition to the UNDT's conclusion that her long service was misused by her to make the statements and comments she did, we add that her service was such that she could not have been unaware of what was expected of her even if she had not been specifically warned of the consequences of repeating public statements.

96. Further, neither Ms. Okoro's alleged efforts to engage constructively in systemic improvements nor the absence of reputational damage to the Organization constitute mitigating factors in the circumstances.

97. Given that the most severe sanctions for serious misconduct were not applied by the Secretary-General, we also conclude that the mitigating factors identified by the UNDT were properly reflected in the partial deduction of Ms. Okoro's termination indemnity and the payment in lieu of notice upon her separation from service.

98. Moreover, it is a well-established principle in our jurisprudence that the Secretary-General has wide discretion in applying disciplinary sanctions for misconduct. Consequently, "due deference must be shown to the Secretary-General's decision on sanction because Article 101(3) of the United Nations Charter requires the Secretary-General to hold staff members to the highest standards of integrity and he is accountable to the Member States of the United Nations in this regard".<sup>43</sup>

99. In the present case, there is no evidence that the disciplinary sanction imposed on Ms. Okoro was blatantly illegal, arbitrary, or excessive as required by the legal framework in force. Rather, it had a rational connection with the nature of the misconduct.

100. Therefore, the UNDT did not err in finding the sanction proportionate.

*Whether Ms. Okoro's due process rights were respected during the investigation and disciplinary process*

101. On appeal, Ms. Okoro claims that the investigation conducted by OIOS was flawed and non-exhaustive because it identified her nationality as Nigerian instead of Canadian, failed to

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<sup>42</sup> Impugned Judgment, para. 79.

<sup>43</sup> *Mbaigolmem v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-890, para. 16.

acknowledge her compliance with United Nations mandatory training requirements, contained inconsistencies with the evidence presented, and lacked clarity on who filed the complaints against her. She argues that the reliance on this flawed investigation violated her procedural rights.

102. We find that these contentions are unfounded. The Appeals Tribunal has consistently held that in reviewing due process in disciplinary proceedings, only substantial procedural irregularities can render a disciplinary sanction unlawful.<sup>44</sup> We do not find such circumstances to be present in this case.

103. Ms. Okoro was interviewed in connection with the investigation, and the interview was audio-recorded with a transcript. She was informed of the allegations raised against her through the letter of allegations of misconduct dated 22 December 2022, which also informed her of her right to seek assistance of counsel, and gave her the opportunity to comment and respond to the allegations, which she did. Further, the Sanction Letter informed Ms. Okoro of the disciplinary measure, gave detailed reasons for the sanction imposed on her, and notified of her right to contest the decision before the Dispute Tribunal. There is no evidence that her right to procedural fairness was breached during the investigation or disciplinary process.

104. Therefore, the UNDT did not err in finding that Ms. Okoro's due process rights were respected.

### *Remedies*

105. Ms. Okoro requests compensation for psychological distress, mental health deterioration, and disruption to her personal and family life caused by the unnecessary disciplinary proceedings, the prolonged administrative process, and the wrongful termination decision. Our consistent jurisprudence is to the effect that "compensation cannot be awarded when no illegality has been established; it cannot be granted when there is no breach of the staff member's rights or administrative wrongdoing in need of repair".<sup>45</sup> Therefore, in light of our finding that the contested decision was lawful, we cannot award compensation.

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<sup>44</sup> *AAA v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1280, para. 69.

<sup>45</sup> *Wishah v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2015-UNAT-537, para. 40.

106. From the foregoing, we are satisfied that the Dispute Tribunal's findings of fact were supported by the evidence and were reasonable.

**Judgment**

107. Ms. Okoro's appeal is dismissed, and Judgment No. UNDT/2024/089 is hereby affirmed.

Original and Authoritative Version: English

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

*(Signed)*

Judge Forbang, Presiding

*(Signed)*

Judge Colgan

*(Signed)*

Judge Sheha

Judgment published and entered into the Register on this 19<sup>th</sup> day of November 2025 in New York, United States.

*(Signed)*

Juliet E. Johnson, Registrar