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

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Case Nos. 2019-1224 & 2019-1225

**Abdellaoui**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 343 (2019)**

1. On 21 November 2018, the Dispute Tribunal of the United Nations (UNDT or Dispute Tribunal) in Geneva issued Judgment No. UNDT/2018/113, in which it dismissed two applications filed by Ms. Naima Abdellaoui against the decision not to short-list her for the position of Chief, Arabic Translation Section (ATS), Division of Conference Management (DCM), United Nations Office at Geneva (UNOG) and the decision not to select her for the same position. The Dispute Tribunal also issued Judgment No. UNDT/2018/114, in which it dismissed Ms. Abdellaoui's third application against the decision in respect of her complaint of harassment.
2. On 21 January 2019, Ms. Abdellaoui filed two appeals, one against Judgment No. UNDT/2018/113 (Case No. 2019-1224) and the other against Judgment No. UNDT/2018/114 (Case No. 2019-1225).
3. On 13 March 2019, Ms. Abdellaoui filed a motion with the United Nations Appeals Tribunal (Appeals Tribunal) for leave to adduce, as additional evidence in both cases, an undated document titled "CCISUA-wide Staff Survey on Discrimination, Sexual Harassment, Harassment and Abuse of Authority" (Survey).<sup>1</sup> Ms. Abdellaoui believes that the Survey has "not already been shared with UNAT/UNDT. It is closely related to [her] allegations against the Chief of [the Language Service (LS)] in DCM/UNOG". She states that "[p]rohibited conduct (discrimination, harassment and mobbing, in this specific case)

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<sup>1</sup> CCISUA stands for "the Coordinating Committee for International Staff Unions and Associations".

puts at risk staff well-being as well as their mental and physical health. It is not just a matter of not getting a promotion”.

4. On 25 March 2019, the Secretary-General filed his observations on Ms. Abdellaoui’s motion. In respect of Case No. 2019-1224, he requests that the Appeals Tribunal deny Ms. Abdellaoui’s motion, because she has failed to either demonstrate the exceptional circumstances that would warrant the introduction of the Survey or provide any explanation as to how this general and anonymous survey which does not contain information relating to Ms. Abdellaoui’s case would be relevant to her challenge of the specific decisions not to short-list her, not to invite her for an interview, and not to select her for the post of Chief, ATS, in 2016. Moreover, Ms. Abdellaoui has failed to demonstrate how it would be in the interest of justice and the efficient and expeditious resolution of the proceedings to allow this survey into evidence. In respect of Case No. 2019-1225, the Secretary-General requests that the Appeals Tribunal deny Ms. Abdellaoui’s motion, because she has failed to show exceptional circumstances for the introduction of the Survey, or provide any explanation as to how it would relate to her challenge of the decision notifying her of the completion and outcome of the investigation into her specific complaint of harassment and how the introduction of this Survey would be in the interest of justice and the efficient and expeditious resolution of the proceedings.

5. Article 2(5) of the Appeals Tribunal’s Statute provides:

In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings. ... The evidence under this paragraph shall not include evidence that was known to either party and should have been presented at the level of the Dispute Tribunal.

6. We reject Ms. Abdellaoui’s motion seeking leave to provide additional evidence, because it does not meet the requirements of the law. Ms. Abdellaoui fails to demonstrate the exceptional circumstances that would warrant the introduction of the Survey on appeal. Additionally, she fails to provide any explanation as to how the Survey would be relevant to her appeals. Her claim that it is “closely related” to her allegations and that “prohibited conduct (discrimination, harassment and mobbing, in this specific case) puts at risk staff well-being as well as their mental and physical health” and “is not just a matter

of not getting a promotion” is not sufficient. The document that she seeks to introduce is a general and anonymous survey of staff members’ experiences in the United Nations system with respect to discrimination, sexual harassment, harassment and abuse of authority and contains no specific information relating to Ms. Abdellaoui’s appeals. We do not find that it would be in the interest of justice and the efficient and expeditious resolution of the appeals proceedings to adduce this document into evidence. Thus, Ms. Abdellaoui’s motion must be denied.

**IT IS HEREBY ORDERED** that Ms. Abdellaoui’s motion seeking leave to submit additional evidence **IS DENIED**.

Original and Authoritative Version: English

Dated this 27<sup>th</sup> day of March 2019  
in New York, United States.

*(Signed)*  
Judge Sabine Knierim,  
Duty Judge

Entered in the Register on this 28<sup>th</sup> day  
of March 2019 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar