



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

---

Case No. 2023-1878

AAZ<sup>1</sup>

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

**Order No. 582 (2024)**

1. On 9 October 2023, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2023/112 (impugned Judgment) in the case of *Applicant v. Secretary-General of the United Nations*, in which it dismissed AAZ's claims challenging the administrative decision not to select him for the fixed-term position of Senior Human Rights Officer and Coordinator of the International Fact-Finding Mission (FFM) on Venezuela (P-5) based in Panama City, Panama, Secretariat of the Office of the High Commissioner for Human Rights (OHCHR) (the Post).<sup>2</sup>
2. On 6 December 2023, AAZ filed an appeal of the impugned Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT), to which the Secretary-General filed an answer on 5 February 2024.
3. On 19 September 2024, AAZ filed a "Motion for requesting the hearing of a key witness *in camera*".
4. AAZ requests an *in-camera* hearing of a key witness to testify that senior decision makers at OHCHR denied him the position that the interview panel had recommended him for due to false allegations of misconduct. He argues that he did not present this witness to the UNDT because the witness was unavailable at the time, and that the witness is now

---

<sup>1</sup> This unique three-letter substitute for the party's name is used to respect the anonymity of the Appellant in this Order and bears no resemblance to the party's real name or other identifying characteristics.

<sup>2</sup> Anonymity was granted in the impugned Judgment, para. 30.

available on appeal. He further submits that the witness can only provide evidence *in camera* to the UNAT, under its strict protection and without the representatives of the Secretary-General for fear of reprisals against the witness who is a current OHCHR staff member. AAZ argues that the witness's fear is well-founded based on the OHCHR's previous conduct and the possibility of reprisals against the witness satisfies the requirement of exceptional circumstances.

5. AAZ also contends that OHCHR misrepresented his performance to the High Commissioner in the Selection Memo, and eventually shortlisted and selected an ineligible candidate. He adds that these points would have been sufficient to set aside the selection decision, had the UNDT given proper consideration to one or any of them. AAZ argues that he did not present the witness before the UNDT because the witness was afraid of suffering reprisals within OHCHR, and AAZ's case before the UNDT was strong enough without the witness.

6. Mindful of the fact that an order regarding service of the Motion on the other party is discretionary under Section II.A.1 of our Practice Direction No. 1, bearing in mind that one of the goals of the new system of administration of justice is rendering timely judgments,<sup>3</sup> and considering the power vested in the Appeals Tribunal in procedural matters not covered in the Rules under Article 31(1) of the UNAT Rules of Procedure read in tandem with Article 6 of its Statute, I shall dispense with the Secretary-General's response and proceed to decide the Motion.

7. Under Article 2(5) of the UNAT Statute,

[i]n 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. Where this is not the case, or where the Appeals Tribunal determines that a decision cannot be taken without oral testimony or other forms of non-written evidence, it shall remand the case to the Dispute Tribunal. 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.

8. As AAZ himself concedes, it was possible for him to call the witness before the UNDT and, as such, the witness testimony is not admissible under Article 2(5) of the UNAT Statute. In the result, this Motion is denied.

---

<sup>3</sup> *Bertucci v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-062, para. 23.

**IT IS HEREBY ORDERED** that AAZ’s Motion of 19 September 2024 requesting the hearing of a key witness *in camera* is **DENIED**.

Original and Authoritative Version: English

Decision dated this 7<sup>th</sup> day of October 2024  
in Buea, Cameroon.

*(Signed)*  
Judge Leslie F. Forbang,  
Presiding

Order published and entered in the Register on this  
7<sup>th</sup> day of October 2024 in New York, United States.

*(Signed)*  
Juliet E. Johnson,  
Registrar