



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

RUDOLF JOCONDO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
REQUEST FOR AN ORAL HEARING**

Counsel for Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé Ltée*
Anthony Kreil Wilson, *Etudes Vihodé Ltée*

Counsel for Respondent:

Lucienne Pierre, DAS/ALD/OHR, UN Secretariat
Tamal Mandal, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant filed an application contesting the decision to not select him for the position of Head of Office, Political Affairs, D-2, at the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”) which was advertised as Job Opening (“JO”) #222830. Apparently, the same position had been previously advertised as JO #181681 for which the Applicant was a candidate before that JO was cancelled.
2. The gravamen of the application is that the Special Representative of the Secretary-General and Head of Mission for MINUSCA (“HoM”) had “decided who to recruit before the recruitment was even initiated” and manipulated the selection process to select her desired candidate.
3. Currently pending is the Applicant’s request for an oral hearing. At which he proposes to call 10 witnesses, including himself. The non-party witnesses were:
 - a. the MINUSCA HoM who also chaired the interview panel;
 - b. a former HoM of the United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”) who was a member of the interview panel for JO #181681 (“B”);
 - c. the Assistant Secretary-General for Africa in the Department of Political and Peacebuilding Affairs and the Department of Peace Operations (“DPPA/DPO”) who was also on the recruitment panel for JO #181681 (“C”);
 - d. the Deputy Special Representative of the Secretary-General for MINUSCA who chaired the interview panel for JO #222830 (“D”);
 - e. the Deputy Special Representative for MINUSCA and Resident and Humanitarian Coordinator for the Central African Republic, another member of the interview panel for JO #222830 (“E”);

- f. the Police Commissioner and head of the police component of MINUSCA, a member of the interview panel for JO #222830 (“F”);
 - g. the candidate selected for JO #222830 (“G”);
 - h. the chair of the Senior Review Group for JO #222830 (“H”); and
 - i. an unnamed “[Human Resources] Partner knowledgeable in recruitment and Inspira (“I”).
4. In an effort to determine whether an oral hearing should be granted and, if so, who should be called to testify, the Tribunal issued several Orders.
5. By Order No. 159 (NBI/2024), the Applicant was directed to file “a table showing the expected testimony of each witness” and “all evidence to support his claim of collusion between persons involved in the approval process and the selected candidate”. That Order also directed the Respondent to ensure that all notes regarding the Applicant’s interview performance were included in the record. The Respondent filed several documents, including the evaluations of the Applicant and the selected candidate.
6. In response to Order No. 159 (NBI/2024), the Applicant submitted that:
- a. HoM “will explain her role in the recruitment and be questioned about how she influenced the decision of the members of the two panels. She will also be able to explain the substance of the memorandum of the first panel and its evaluation of the Applicant”.
 - b. B “will testify as to the discussion within the panel leading to the final decision, including the assessment of the Applicant. He later invited the Applicant to apply to a similar position in the Mission that he leads and will be able to testify about that interaction”.
 - c. C “will also testify as to the discussion within the panel leading to the final decision, including the assessment of the Applicant”.

- d. D reports to HoM and “will testify as to their discussions leading to the interview and the outcome, including the report with its misleading information”.
 - e. E reports to HoM and “will testify as to the way in which the panel conducted its work and his contribution to the outcome”.
 - f. F reports to HoM and “will also testify as to the way in which the panel conducted its work and his own contribution to the outcome”.
 - g. G “has been appointed to the position [and] will testify on his career and his relationship with both HoM and [H]”.
 - h. H chaired the Senior Review Group and “will testify on his relationship with the successful candidate and on the work of the group. He will also be able to testify on the criteria used to decide who to recommend to the Secretary-General”.
 - i. I “will testify on the procedure especially on the role of the *ex officio* member and the use of Inspira to safeguard the documentation, and how it was done in this case”.
 - j. The Applicant “will be able to testify on his career and the recruitment process which is at the heart of this case, including his communication with some of those stakeholders”.
7. In response to the direction to provide all evidence of collusion, the Applicant merely restated his conclusory allegations without providing any supporting evidence.
8. Seeking more information on the proposed witness testimony, the Tribunal issued Order No. 133 (NBI/2025) which instructed the Applicant to provide “signed witness statements from each of the proposed witnesses (including himself), setting out in detail and with precision, the facts which that witness would provide in testimony”.

9. In response, the Applicant apparently made no attempt to speak to the witnesses or request witness statements from anyone other than himself. Instead, he reiterated his previous conclusory statements adding only that: he “is aware of conversation that [HoM] had with [C] during a visit to the headquarters and [HoM] pressed on the other two panel members not to recommend the Applicant”. However, in his own witness statement, the Applicant does not indicate that he will testify to any details of that meeting or even the source of his alleged awareness.

10. The Applicant’s witness statement also states vaguely that “I was made aware that I had ranked first during the interview” for JO #181681, that he believes he excelled in the interview” for JO #222830, and that an alleged miscalculation of his work experience¹ “in my opinion was not a coincidence, but rather an intentional act of manipulation”. Again, he gives no information about how he was “made aware” of his ranking.

11. It should be noted that the Respondent objects to an oral hearing broadly and to the testimony of each proposed witness.

12. Article 9.2 of the Dispute Tribunal Statute establishes that “[t]he Dispute Tribunal shall decide whether the personal appearance of the applicant or any other person is required at oral proceedings ...” The Appeals Tribunal has described this provision as vesting the Dispute Tribunal with “a broad discretion whether to hold a hearing in person” *Mansour*, 2020-UNAT-1036, para. 37. In exercising this discretion, the Tribunal is mindful that it must do so in the interests of justice, taking into account all relevant considerations. *Id.*

13. In determining whether the proffered witnesses should be called, it is noted that the Applicant alleges that the HoM was biased and manipulated the process to

¹ Applicant says he found it strange that the panel assessment report says he “has 24 years of progressively responsible experience” because this number does not include his 12 years as a Sudanese diplomat. However, the assessment describes that the Applicant met the experience requirements and had at least five years of senior management experience in MINUSCA and the Office for the Coordination of Humanitarian Affairs. The Applicant’s finding ignores that, on the very next page, the assessment goes on to speak glowingly of his diplomatic service as demonstrating “professional competence and mastery of the subject matter as an expert on the political and security situation in the Central African Republic (CAR)”.

select her desired candidate. However, when directed to present evidence to support these allegations, including how the proffered witnesses would help to prove them, the Applicant basically reiterated and rephrased his allegations.

14. To be clear, allegations are unproven claims or assertions and, without evidence or proof, an allegation remains just a claim. Apparently, his counsel made no effort to confirm whether any of the proffered witnesses would support his allegations.

15. At best, the Applicant has only asserted one bit of specific evidence: that a member of the first interview panel (B) invited him to apply for a similar position at MINUSMA. However, even in the light most favourable to the Applicant, this evidence merely shows that B thought the Applicant was a strong candidate. It does not tend to show the existence of any bias, manipulation or collusion. As such, there is no reason to believe that any of the proffered witnesses will provide the testimony for which the Applicant seeks to call them.

16. Beyond that, the Tribunal also takes into account various considerations regarding the Applicant's request, both in this case and more broadly.

17. The first consideration is the time that would be involved in taking testimony from 10 witnesses on vague topics like "the discussion within the panel leading to the final decision, including the assessment of the Applicant". This is clearly just a "fishing expedition" undertaken with the slim hope of finding something useful to the Applicant.

18. Most importantly, the Tribunal is concerned about setting a precedent by allowing unsuccessful job applicants to call such witnesses. For example, it would be completely improper for unsuccessful candidates to examine the successful candidate about their career.

19. It also would be inappropriate to permit unsuccessful candidates to examine members of the interview panel and Senior Review Group members about their work on the recruitment and the discussion amongst them.

20. Authorizing such examinations would inevitably lead to vexatious litigation by non-selected candidates. Staff members should be able to apply for job openings without fear that they would be forced to justify their candidacy before their unsuccessful rivals. Similarly, interview panel members and senior reviewers should be free to assess the candidates without being subjected to broad questioning about their deliberations and decisions.

21. Additionally, the Tribunal estimates that the United Nations conducts thousands of recruitments every year. Each one results in a decision in favour of one candidate and against numerous others. Allowing all those unsuccessful candidates to examine everyone involved in the process, based on unsupported allegations, would overwhelm both the recruitment process and the internal justice system.

22. For all those reasons, the Tribunal finds that an oral hearing is not necessary to a fair and expeditious resolution of the case.² Thus, the motion is denied.

23. The Tribunal considers that it is fully informed on the matter by the record as it now exists. Therefore, the parties may file their closing submissions.

Conclusion

24. The Applicant's Motion for an Oral Hearing to call witnesses is denied.

25. On or before **Friday, 17 October 2025**, the parties will file their respective closing submissions.

² The Tribunal acknowledges that there are a handful of appeals judgments which find a decision not to hold an oral hearing was a shortcoming. However, the present case is distinguishable from those cases because they involved discontinuation of employment, actual evidence of bias or some other irregularity.

26. The said submissions should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Sean Wallace

Dated this 6th day of October 2025

Entered in the Register on this 6th day of October 2025

(Signed)

Isaac Endeley, for Wanda L. Carter, Registrar, Nairobi